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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**ARKEMA INC.**, a Pennsylvania corporation,  
**CHEVRON U.S.A. INC.**, a Pennsylvania  
corporation, **CITY OF PORTLAND**, a  
municipal corporation of the State of Oregon,  
**CONOCOPHILLIPS COMPANY**, a  
Delaware corporation, **EVRAZ INC.**, a  
Delaware corporation, **NA**, **GUNDERSON  
LLC**, an Oregon LLC, **NW NATURAL**, an  
Oregon corporation, **PORT OF  
PORTLAND**, an Oregon port district, **TOC  
HOLDINGS CO.**, a Washington corporation,  
and **UNION PACIFIC RAILROAD  
COMPANY**, a Delaware corporation,

Plaintiffs,

vs.

**A & C FOUNDRY PRODUCTS, INC.**, an  
Oregon corporation, **ABRAMS SCRAP  
METAL CO.**, an Oregon corporation,  
**ALASKA TANKER COMPANY, LLC**, a

No.

CV '09 453 PK

COMPLAINT (CERCLA CONTRIBUTION  
AND COST RECOVERY, OREGON  
SUPERFUND CONTRIBUTION,  
DECLARATORY JUDGMENT)

Delaware limited liability company, **AMERICAN SEAFOODS COMPANY LLC**, a Delaware corporation, **AMERICAN SEAFOODS, INC.**, a Delaware corporation, **ANDERSON ROOFING CO, INC.**, an Oregon corporation, **ARIZONA SLAG PROCESSING INCORPORATED**, an Arizona corporation, **BALDOR ELECTRIC COMPANY**, a Missouri corporation, **BARRACUDA TANKER CORPORATION**, a Liberian corporation, **BARRICH, INC.**, an Oregon corporation, **BAY TANKERS, INC.**, **BRAZIL MOTORS & CONTROLS, INC.**, an Oregon corporation, **CARSON OIL CO. INC.**, an Oregon corporation, **CONTAINER RECOVERY, INC.**, an Oregon corporation, **COVE SHIPPING, INC.**, a New York corporation, **COVE VENTURES, INC.**, a New York corporation, **MARINE PROPULSION SERVICES, INC.**, an Oregon corporation, **EAGLE MARINE SERVICES LTD.**, a New York corporation, **GENERAL STEAMSHIP AGENCIES, INC.**, a California corporation, **GENERAL STEAMSHIP CORPORATION**, a California corporation, **GILPIN CONSTRUCTION**, an entity of indeterminate nature, **McEACHERN CORPORATION**, a Washington corporation, **GLACIER NORTHWEST, INC.**, a Washington corporation, **GRUNDFOS CBS INC**, a California corporation, **HAL NORTH AMERICA, fka PACIFIC NORTHERN OIL COMPANY**, a Washington corporation, **HUDSON WATERWAYS CORPORATION**, a New York corporation, **INTERNATIONAL MILL SERVICES, INC.**, **K-SEA TRANSPORTATION PARTNERS LP**, a Delaware limited partnership, **KEYSTONE SHIPPING COMPANY**, a Delaware corporation, **L.B. FOSTER COMPANY**, a Pennsylvania Corporation, **LAKEA CORPORATION**, an Oregon corporation,

**LINNTON PLYWOOD ASSOCIATION**,  
 an Oregon cooperative, **M&F**  
**WORLDWIDE CORPORATION**, a  
 Delaware corporation, **MANHATTAN**  
**TANKERS COMPANY, INC.**, a Delaware  
 corporation, **MAR COM HOLDING, LLC.**,  
 a Washington limited liability, **MARINE**  
**VACUUM SERVICE, INC.**, a Washington  
 corporation, **MARK MARINE SERVICE,**  
**INC.**, a Washington corporation, **MIDLAND**  
**ROSS CORPORATION**, an Ohio  
 corporation, **MINERAL SERVICES INC.**, a  
 Delaware corporation, **MITSUBISHI**  
**CORPORATION**, a Japanese corporation  
**MITSUBISHI INTERNATIONAL**  
**CORPORATION**, a Delaware corporation,  
**NIBLICK, INC.** an Oregon corporation,  
**NICHOLS MARINE WAYS, INC.**, an  
 Oregon corporation, **NORTHWEST**  
**COPPER WORKS**, an Oregon corporation,  
**OLYMPIC TUG & BARGE, INC.**, a  
 Washington corporation, **PEANUT BUTTER**  
**PROPERTIES, LLC**, an Oregon limited  
 liability company, **RAINIER**  
**PETROLEUM**, a Washington corporation,  
**RED-SAMM MINING dba LAKESIDE**  
**INDUSTRIES**, a Washington corporation,  
**RICHMOND TANKERS, INC.**, a New  
 York corporation, **RK STORAGE &**  
**WAREHOUSING, INC.**, an Oregon  
 corporation, **RUSCO, INC. dba DURA**  
**INDUSTRIES**, an Oregon corporation, **CSA**  
**ACQUISITION CORP.**, a Delaware  
 corporation, **CSX/SEA-LAND, INC.** a  
 Delaware corporation, **SOUND FREIGHT**  
**LINES, INC.**, a Washington corporation,  
**STENNO CARBON, CO.**, an Oregon  
 corporation, **SUMMIT PROPERTIES,**  
**INC.**, an Oregon corporation, **TAIWAN**  
**NAVIGATION CO., LTD**, a Taiwanese  
 company, **TIDEWATER BARGE LINES,**  
**INC.**, an Oregon corporation, **TRANS-**  
**INDUSTRIES, URS CORPORATION**, a  
 Delaware corporation, **MICHAEL**  
**WAKEFIELD dba THREE HATS FARM,**

an individual, **WATERMAN STEAMSHIP CORP**, a New York corporation, **WESTERN WIRE WORKS, INC.**, an Oregon corporation, **WILSON OIL**, a Washington corporation, **JIAHONG ZANG**, an individual, **ZIDELL MARINE CORPORATION**, a Washington corporation, **ZRZ REALTY COMPANY**, an Oregon corporation, **PON EXPLORATIONS, INC.**, a Delaware corporation,

Defendants.

For their Complaint against defendants, plaintiffs allege as follows:

(Parties)

1.

Plaintiff Arkema Inc. is a Pennsylvania corporation. Arkema Inc. owns real property at 6400 NW Front Avenue in Portland, Oregon.

2.

Plaintiff Chevron U.S.A. Inc. is a Pennsylvania corporation, and operates a business at 5531 NW Doane Ave.

3.

Plaintiff City of Portland is a municipal corporation of the State of Oregon.

4.

Plaintiff ConocoPhillips Company is a Delaware corporation. ConocoPhillips is engaged in business at 5528 NW Doane in Portland, Oregon.

5.

Plaintiff Evraz Inc., NA is a Delaware corporation. Evraz Inc., NA owns real property at 14400 N. Rivergate Blvd. in Portland, Oregon.

6.

Plaintiff Gunderson LLC is an Oregon LLC. Gunderson LLC owns real property at 4350 N.W. Front Avenue in Portland, Oregon.

7.

Plaintiff NW Natural is an Oregon corporation. NW Natural owns real property at 7900 NW St. Helens Road in Portland, Oregon.

8.

Plaintiff TOC Holdings Co., formerly known as Time Oil Co., is a Washington corporation. TOC Holdings Co. owns real property at 10350 N. Time Oil Road in Portland, Oregon.

9.

Plaintiff Union Pacific Railroad Company is a Delaware corporation. Union Pacific Railroad Company owns real property at 2745 N. Interstate Avenue in Portland, Oregon.

10.

Plaintiff Port of Portland is an Oregon port district.

11.

Defendant A & C Foundry Products, Inc. is an Oregon corporation doing business in Portland, Oregon.

12.

Defendant Abrams Scrap Metal Co., an Oregon corporation, leased, occupied, and operated property at 8444 NW St. Helens Road, Portland, Oregon.

13.

Defendant Alaska Tanker Company, LLC is a Delaware limited liability company, doing

business in Portland, Oregon. Alaska Tanker Company, LLC owned or operated the vessel M/V Denali, which operated on the Willamette River.

14.

Defendant American Seafoods Company LLC is a Delaware corporation with its principle place of business in Seattle, Washington. Defendant American Seafoods, Inc. is a Delaware corporation doing business in Oregon.

15.

Defendant Anderson Roofing Company, Inc. is an Oregon corporation doing business in Portland, Oregon.

16.

Defendant Arizona Slag Processing, Incorporated, is an Arizona corporation with its principal place of business located in Battle Ground, Washington. Defendant Arizona Slag Processing, Incorporated is a former operator of a slag processing facility, from 1986-1993, which was located at 14400 North Rivergate Boulevard in Portland, Oregon.

17.

Defendant Baldor Electric Company, a Missouri corporation, is a former owner or operator of real property located at 2315 NW 21st Place in Portland, Oregon.

18.

Defendant Barracuda Tanker Corporation is a Liberian corporation with its principal place of business located in Los Angeles, California. Defendant Barracuda Tanker Corporation is the former owner or operator of one or more vessels moored for an extended period, from 1982-1984, at dock facilities located at 14400 North Rivergate Boulevard in Portland, Oregon and within the Portland Harbor Superfund Site.

19.

Defendant Barrich, Inc., an Oregon corporation, owns or operates property at 3333 NW 35th Avenue, Portland, Oregon.

20.

Defendant Bay Tankers, Inc. is a corporation with its principal place of business located in New York, NY. Defendant Bay Tankers, Inc. is the former owner or operator of one or more vessels moored for an extended period during 1987 at dock facilities located at 14400 North Rivergate Boulevard in Portland, Oregon and within the Portland Harbor Superfund Site.

21.

Defendant Brazil Motors & Controls, Inc., an Oregon corporation, is a former owner and operator of real property located at 4315 NW St. Helens Road in Portland, Oregon.

22.

Defendant Carson Oil Co., Inc., an Oregon corporation, is the current owner and operator of real property located at 3125 NW 35th Avenue in Portland, Oregon.

23.

Defendant Container Recovery, an Oregon corporation, is the current owner and operator of real property located at 3900 NW Yeon Avenue in Portland, Oregon.

24.

Defendant Cove Shipping, Inc. is a New York corporation with its principal place of business located in Mobile, Alabama. Cove Shipping, Inc. is the former owner or operator of one or more vessels moored for an extended period during 1988 at dock facilities located at 14400



North Rivergate Boulevard in Portland, Oregon and within the Portland Harbor Superfund Site.

25.

Defendant Cove Ventures, Inc., is a New York corporation with its principal place of business located in Mobile, Alabama. Cove Ventures, Inc. is the former owner or operator of one or more vessels moored for an extended period, during 1988, at dock facilities located at 14400 North Rivergate Boulevard in Portland, Oregon and within the Portland Harbor Superfund Site.

26.

Defendant Marine Propulsion Services, Inc. is an Oregon corporation doing business in Portland, Oregon.

27.

Eagle Marine Services, Ltd., a New York corporation with its principal place of business located in Oakland, California, is the former owner or operator of one or more vessels moored for an extended period from 1982-1984 at dock facilities located at 14400 North Rivergate Boulevard in Portland, Oregon and within the Portland Harbor Superfund Site.

28.

Defendant General Steamship Agencies, Inc. is a California corporation, doing business in Oregon.

29.

Defendant General Steamship Corporation is a California corporation, doing business in Oregon.



30.

Defendant Gilpin Construction, an entity of indeterminate nature, was a former operator and user of a waste oil sump which was located, from approximately 1943 through 1959, on property which is now at 14400 North Rivergate Boulevard in Portland, Oregon. On information and belief, Defendant McEachern Corporation, a Washington corporation, is one of the successors in interest to Defendant Gilpin Construction.

31.

Defendant Glacier Northwest, Inc., a Washington corporation, is a current operator of real properties located at 5034 NW Front Avenue and 1050 N. River Street in Portland, Oregon.

32.

Defendant Grundfos CBS Inc., a California corporation, is the current owner and operator of real property located at 2551 NW 30th Avenue in Portland, Oregon. PACO Pumps, Inc. is the former owner and operator of the real property at that address and is currently a wholly-owned subsidiary of Grundfos Pump Corporation.

33.

Defendant HAL North America, Inc., a Washington corporation, is a successor-in-interest to Pacific Northern Oil Corp., an inactive Washington Corporation, formerly known as PANOCO. Pacific Northern Oil Corp. is the former operator of real property located at 7900 NW St. Helens Road, in Portland, Oregon, Multnomah County.

34.

Defendant Hudson Waterways Corporation, a New York corporation with its principal place of business located in New York, NY, is the former owner or operator of one or more vessels moored for an extended period during 1985-1986 at dock facilities located at 14400

North Rivergate Boulevard in Portland, Oregon and within the Portland Harbor Superfund Site.

35.

Defendant International Mill Services, Inc., a corporation with its principal place of business located in Pennsylvania, is a former operator of a slag processing facility from 1993 to 2000 at 14400 North Rivergate Boulevard in Portland, Oregon.

36.

Defendant K-Sea Transportation Partners LP, is a Delaware limited partnership doing business in Portland, Oregon. K-Sea Transportation Partners LP was formerly known as Sea Coast Towing. Sea Coast Towing and K-Sea owned or operated the vessels John Brix and Doorfius on the Willamette River.

37.

Defendant Keystone Shipping Company is a Delaware corporation with its principal place of business in Bala Cynwyd, Pennsylvania.

38.

Defendant Lakea Corporation, an Oregon corporation, owns and operates property at 3003 NW 35th Avenue, Portland, Oregon.

39.

Defendant L.B. Foster Company, a Pennsylvania Corporation, is the successor-in-interest to L.B. Foster Company, an inactive Delaware Corporation ("L.B. Foster Delaware"), formerly LBF Acquisition Corporation. L.B. Foster Delaware is the former operator of real property located at 12005 N. Burgard Road or 12005 N. Burgard Street, Portland, Oregon, Multnomah County.

40.

Defendant Linnton Plywood Association, an Oregon cooperative, is the former owner and operator of real property located at 10504 NW St. Helens Road, Portland, Oregon, Multnomah County.

41.

[This paragraph is intentionally left blank.]

42.

M&F Worldwide Corp., a Delaware corporation, is the successor-in-interest to Abex Corporation, formerly known as American Brake Shoe Company, formerly known as American Brake Shoe & Foundry Company, Inc. American Brake Shoe & Foundry Company, Inc. is the prior operator of real property located at 9933 NW 107th & 10027 NW 107<sup>th</sup> Portland, Oregon. On information and belief, American Brake Shoe & Foundry Company, Inc. disposed of waste on real property located at 10225 NW Front Avenue, Portland, Oregon, Multnomah County.

43.

[This paragraph is intentionally left blank.]

44.

Defendant Manhattan Tankers Company, Inc., a Delaware corporation with its principal place of business located in New York, NY, is the former owner or operator of one or more vessels moored for an extended period, during 1985-1986, at dock facilities located at 14400 North Rivergate Boulevard in Portland, Oregon and within the Portland Harbor Superfund Site.

45.

Defendant Mar Com Holding, LLC is a Washington limited liability company that did business in Portland, Oregon.

46.

Defendant Marine Vacuum Service, Inc. is a Washington corporation doing business in Portland, Oregon.

47.

Defendant Mark Marine Service, Inc. is a Washington corporation, doing business in Portland, Oregon.

48.

Defendant Midland Ross Corporation, an Ohio corporation, is a former operator of an iron ore processing facility from 1969-1976, which was located at 14400 North Rivergate Boulevard in Portland, Oregon.

49.

Defendant Mineral Services, Inc., a Delaware corporation with its principal place of business formerly located in Cleveland, Ohio, is a former operator of an iron ore processing facility, from 1974-1976, which was located at 14400 North Rivergate Boulevard in Portland, Oregon.

50.

Defendants Mitsubishi Corporation, a Japanese corporation, and Mitsubishi International Corporation, a Delaware corporation, are the successors-in-interest to the Premier Group, Inc., which is the successor-in-interest to and was formerly known as Premier Edible Oils Corporation, which is the successor-in-interest to and was formerly known as Palmco, Inc. Premier Edible Oils Corporation or Palmco, Inc. Corporation is the former owner or operator of real property located at 10400 N. Burgard Way, Portland, Oregon, Multnomah County.

51.

Defendant Niblick, Inc., is an Oregon corporation. Niblick, Inc. owned or operated property at 4466 NW Yeon, Portland, Oregon.

52.

Defendant Nichols Marine Ways, Inc. is an Oregon corporation doing business in Portland, Oregon.

53.

Defendant Northwest Copper Works is an Oregon corporation doing business in Oregon. Defendant Northwest Copper Works owned and operated a ship repair related manufacturing business at the Portland Shipyard in the Portland Harbor Superfund Site Facility.

54.

Defendant Olympic Tug & Barge, Inc. is a Washington corporation, doing business in Oregon. Olympic Tug & Barge, Inc. owned or operated the vessels Lela Joy and M/V Pacific Falcon on the Willamette River.

55.

Defendant Peanut Butter Properties, LLC, an Oregon limited liability company, is the current owner and operator of real property located at 3445 NW Front Avenue in Portland, Oregon.

56.

Defendant Rainier Petroleum Corporation is a Washington corporation, doing business in Oregon. Rainer Petroleum Corporation owned or operated vessels on the Willamette River.

57.

Defendant Red-Samm Mining Company, Inc., a Washington corporation, owns and

operates property at 4850 NW Front Avenue, Portland, Oregon, under the assumed business name Lakeside Industries.

58.

Defendant Richmond Tankers, Inc., a New York corporation with its principal place of business located in New York, NY, is the former owner or operator of one or more vessels moored for an extended period during 1987 at dock facilities located at 14400 North Rivergate Boulevard in Portland, Oregon and within the Portland Harbor Superfund Site.

59.

Defendant RK Storage & Warehousing, Inc. is an Oregon corporation and is the current owner and operator of real property located at 10225 NW Front Avenue, Portland, Oregon, Multnomah County.

60.

Defendant Rusco Inc. is an Oregon corporation. Rusco Inc. owns or operates property at 4466 NW Yeon, Portland, Oregon.

61.

On information and belief, Defendant CSA Acquisition Corp., is a Delaware corporation, a subsidiary of CSX Corporation, with its principle place of business in Jacksonville, Florida. On information and belief CSA Acquisition Corp. is a successor to Sea-Land, Inc. and Sea-Land Service, which owned or operated vessels and a facility in the Portland Harbor Superfund Site facility. On information and belief, Defendant CSX/Sea-Land, Inc. is a Delaware corporation, with its principle place of business in Jacksonville, Florida. is a successor to Sea-Land, Inc. and Sea-Land Service, which owned or operated vessels and a facility in the Portland Harbor Superfund Site facility.

62.

Defendant Sound Freight Lines, Inc. is a Washington corporation doing business in Portland, Oregon. Sound Freight Lines, Inc. owned or operated the tug Black Hawk on the Willamette River.

63.

Defendant Stenno Carbon Co. is an Oregon corporation doing business in Portland, Oregon.

64.

Defendant Summit Properties, Inc., is an Oregon corporation and the current owner of real properties located at 4468 NW Yeon Avenue and 4444 NW Yeon Avenue, Portland, Oregon, Multnomah County.

65.

Defendant Taiwan Navigation Company Ltd, a Taiwanese company, operates a shipping company that does business in Portland, Oregon and is based in Taipei, Taiwan.

66.

Defendant Tidewater Barge Lines, Inc. is an Oregon corporation, doing business in Portland Oregon. On information and belief, Tidewater Barge Lines, Inc. is the successor to Tidewater Shaver Barge Lines, which also owned or operated vessels in the Portland Harbor Superfund Site facility. On information and belief, Tidewater Barge Lines, Inc. is the successor to Inland Navigation Company, which also owned or operated vessels in the Portland Harbor Superfund Site facility.

67.

Defendant Trans Industries, LLC is an Oregon limited liability company.



68.

[This paragraph is intentionally left blank.]

69.

Defendant URS Corporation, a Delaware corporation, is the successor-in-interest to Washington Group International, Inc., formerly Morrison Knudsen Corporation, a former Ohio corporation, the successor-in-interest to Emkay Development Company, Inc., a former Nevada corporation, the successor-in-interest to Emkay Development and Realty Company, a former Nevada corporation, the successor-in-interest to Emkay Development Company, Inc., a former Idaho corporation, formerly Broadway Holding Company. Broadway Holding Company is the former owner of real property located at 12005 N. Burgard Road, or 12005 N. Burgard Street, Portland, Oregon, Multnomah County.

70.

Defendant Michael Wakefield is an individual residing in Oregon and does business as Three Hats Farm.

71.

Defendant Waterman Steamship Corporation is a New York corporation whose principle place of business is in New York, New York. Defendant Waterman Steamship does or has does business in Oregon.

72.

Defendant Western Wire Works, Inc., an Oregon corporation, owns or operates property at 4025 NW Express Avenue, Portland, Oregon.

73.

Defendant Wilson Oil, Inc. is a Washington corporation, doing business in Portland,

Oregon.

74.

Defendant Jiahong Zang, an individual residing in California, owns or owned a 60% undivided interest in property at 8444 NW St. Helens Road, Portland, Oregon.

75.

Zidell Marine Corporation is a Washington corporation, doing business in Oregon. Zidell Marine Corporation is the operator of real property located at 3121 SW Moody Avenue in Portland, Oregon. ZRZ Realty Company is an Oregon corporation doing business in Oregon. ZRZ Realty Company is the owner of real property located at 3121 SW Moody Avenue in Portland, Oregon. Pon Explorations, Inc. is a Delaware corporation formerly known as Zidell Explorations, Inc., an Oregon corporation. Based on information and belief, Zidell Marine Corporation, ZRZ Realty, and Pon Exploration, Inc. are the successors-in-interest of subsidiary or affiliated entities, including Zidell Machinery & Supply Co., Zidell Ship Dismantling Company, Zidell Ship-wreckers, Inc. Zidell Explorations, Zidell Docks, Inc. and Zidell, Inc. (hereinafter the "Zidell Entities").

(Jurisdiction and Venue)

76.

The Court has jurisdiction over this action pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1367(a).

77.

Venue in this district is proper under 28 U.S.C. §1391 and 42 U.S.C. §9613(b).

(Factual Allegations)

78.

The Portland Harbor section of the Lower Willamette River in Portland, Oregon has served as a major industrial water corridor for more than a century. A long history of commercial shipping activities, industrial and commercial operations, sewer outfalls, urban storm runoff and agricultural runoff have released hazardous substances to the Portland Harbor. On December 1, 2000, the United States Environmental Protection Agency (EPA) listed the Portland Harbor Superfund Site on the National Priorities List (65 Fed. Reg. 75179-01).

79.

The Portland Harbor Superfund Site is located along the Willamette River in Portland, Oregon, and encompasses the areal extent of hazardous substance contamination within the waters, bed and banks of the Willamette River from River Mile (RM) 1.9 to RM 11.8, and all suitable areas in proximity to the contamination necessary for implementation of response action, including uplands portions of the Site that contain sources of contamination to the sediments at, on or within the Willamette River. The boundaries of the Site will be established by the EPA in a Record of Decision selecting one or more final remedies for contamination at the Site.

80.

On September 28, 2001, pursuant to 42 U.S.C. §§ 9604, 9622(a) and 9622(d)(3), EPA issued an Administrative Order on Consent, U.S. EPA Docket Number CERCLA-10-2001-0240, requiring each of the plaintiffs to complete a Remedial Investigation and Feasibility Study (RI/FS) for the Portland Harbor Superfund Site and to reimburse certain costs with respect to the Site incurred by EPA and the Oregon Department of Environmental Quality (DEQ). On June 16, 2003, EPA amended the Administrative Order on Consent to require each of the plaintiffs to fund participation in the RI/FS by six Tribal governments. On April 27, 2006, EPA amended the Administrative Order on Consent, including re-titling it “Administrative Settlement Agreement

and Order on Consent for Remedial Investigation/Feasibility Study” (hereinafter, “EPA Settlement Agreement”). The EPA Settlement Agreement is attached as Exhibit 1 to this Complaint.

81.

In September 2006, plaintiffs, among other parties, entered into a Consent Judgment with the State of Oregon (hereinafter, the “DEQ Consent Judgment”) by which plaintiffs resolved their liabilities to the State of Oregon under Oregon law for completion of an RI/FS for the Portland Harbor. The DEQ Consent Judgment is attached as Exhibit 2 to this Complaint.

82.

To date, plaintiffs have incurred in excess of \$62 million in costs to satisfy plaintiffs’ obligations with respect to the RI/FS under the EPA Settlement Agreement and the DEQ Consent Judgment. Total costs of the RI/FS currently exceed \$70 million. Plaintiffs will continue to incur costs with respect to those obligations until the RI/FS is complete. Each plaintiff has incurred more than its equitable share of costs for the RI/FS.

83.

Plaintiffs have identified many parties who are potentially liable for past and future response or remedial action costs related to the Portland Harbor Superfund Site. Many of these parties are insolvent or defunct and represent an “orphan share,” as that term is defined, used and understood under EPA’s Interim Guidance on Orphan Share Compensation. Plaintiffs and 58 other parties who are not defendants have agreed to participate in a voluntary non-judicial allocation process in an effort to settle claims for past and future response or remedial action costs. Another 71 parties who are not defendants have agreed to toll claims pending the outcome of this non-judicial allocation process. Prior to the filing of this action, each of the defendants in

this action was provided notice of the opportunity to participate in this non-judicial allocation process or to toll claims.

#### FIRST CLAIM FOR RELIEF

(CERCLA Contribution: 42 U.S.C. §9613(f)(3)(B))

84.

Plaintiffs reallege and incorporate by reference the allegations of paragraphs 1 through 83 above.

85.

The Portland Harbor Superfund Site, and upland properties adjacent to and pipes and other conveyances discharging to the Portland Harbor Superfund Site, are “facilities” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(9).

86.

Defendant A & C Foundry Products, Inc. is a current or former owner or operator of a facility or a transporter of a hazardous substance within the Portland Harbor Superfund Site. On information and belief, A & C Foundry Products, Inc. released petroleum hydrocarbons, naphtha and polymethylenc isocyanate at the site. Petroleum hydrocarbons, naphtha and polymethylene isocyanate are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. § 9607(a) and 42 U.S.C. § 9601(14). Defendant A & C Foundry Products, Inc. is a liable person under 42 U.S.C. § 9607(a).

87.

Defendant Abrams Scrap Metal Co. is or was the operator of a facility within the Portland Harbor Superfund Site. Metals, PCBs, and chlorinated solvents, among other chemicals, are or were present in soil, groundwater, surface water or stormwater at the facility operated by

defendant Abrams Scrap Metal Co. Metals, PCBs, and chlorinated solvents are chemicals that have been detected in sediments at the Portland Harbor Superfund Site, including in sediments adjacent to the facility operated by Abrams Scrap Metal Co. Metals, PCBs, and chlorinated solvents are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendant Abrams Scrap Metal Co. is a liable person under 42 U.S.C. §9607(a).

88.

Defendant American Seafoods, Inc. owned or operated vessels in the Portland Harbor Superfund Site facility. Based on information and belief, Defendant American Seafoods, Inc. arranged for disposal of hazardous substances by arranging for vessel repair services at dry dock and ship yard facilities in the Portland Harbor Superfund Site facility. Materials disposed include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes containing hazardous substances and such hazardous substances are present in sediments in the Portland Harbor Superfund Site facility. Tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes containing hazardous substances are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). American Seafoods, Inc. is a liable person under 42 U.S.C. §9607(a).

89.

Defendant Arizona Slag Processing, Incorporated formerly operated at a facility within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14), including hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in soil, groundwater, surface water or stormwater at the facility, and, on information and belief,



originated from the operations of Defendant Arizona Slag Processing, Incorporated at the facility. Those same hazardous substances have also been detected in environmental media within the Portland Harbor Superfund Site. Defendant Arizona Slag Processing, Incorporated was the owner or operator of a facility within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under 42 U.S.C. §9607(a).

90.

Defendant Baldor Electric Company is the former owner or operator of a facility within the Portland Harbor Superfund Site. PCBs, PAHs, VOCs, SVOCs, metals and other hazardous substances have been detected in soil, groundwater, surface water, or stormwater at the facility owned or operated by Baldor Electric Company. PCBs, PAHs, VOCs, SVOCs, metals, and other hazardous substances have been detected in sediments at the Portland Harbor Superfund Site. On information and belief, PAHs, VOCs, SVOCs, metals, and other hazardous substances were released during the time Baldor Electric Company was the owner or operator of the facility. PCBs, PAHs, VOCs, SVOCs, and metals are "hazardous substances" as that term is defined, used, and understood under 42 U.S.C. § 9607(a) and 42 U.S.C. § 9601(14). Defendant Baldor Electric Company is a liable person under 42 U.S.C. § 9607(a).

91.

Defendant Barracuda Tanker Corporation owned or operated one or more vessels within the Portland Harbor Superfund Site. Certain "hazardous substances," as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14), including heavy metals, hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in surface water and sediments within the Portland Harbor Superfund Site and at the docking



facility where the vessel(s) were moored. On information and belief, the contamination, in part, originated from the operations of Defendant Barracuda Tanker Corporation's vessel(s) within the Superfund Site. Defendant Barracuda Tanker Corporation was the owner or operator of the vessel(s) within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under 42 U.S.C. §9607(a).

92.

Defendant Barrich, Inc. is the owner or operator of a facility within the Portland Harbor Superfund Site. Metals, oily wastewater including PAHs, treatment chemicals including chlorinated solvents, petroleum oils and glycol solution are or were present in surface water or stormwater at the facility owned or operated by defendant Barrich, Inc. These waters were released to conveyance systems that discharge to the Willamette River. Metals, PAHs, and chlorinated solvents are chemicals that have been detected in sediments at the Portland Harbor Superfund Site. Metals, PAHs, and chlorinated solvents are "hazardous substances" as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendant Barrich, Inc. is a liable person under 42 U.S.C. §9607(a).

93.

Defendant Bay Tankers owned or operated one or more vessels within the Portland Harbor Superfund Site. Certain "hazardous substances," as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14), including heavy metals, hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in surface water and sediments within the Portland Harbor Superfund Site and at the docking facility where the vessel(s) were moored. On information and belief, the contamination, in part, originated

from the operations of Defendant Bay Tankers' vessel(s) within the Superfund Site. Defendant Bay Tankers was the owner or operator of the vessel(s) within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under 42 U.S.C. §9607(a).

94.

Defendant Brazil Motors & Controls, Inc. is the current or former owner or operator of a facility within the Portland Harbor Superfund Site. PCBs and other hazardous substances have been detected in soil, groundwater, surface water, or stormwater at the facility owned or operated by Brazil Motors & Controls, Inc. PCBs and other hazardous substances have been detected in sediments at the Portland Harbor Superfund Site. On information and belief, PCBs and other hazardous substances were released during the time Brazil Motors & Controls, Inc. was the owner or operator of the facility. PCBs are "hazardous substances" as that term is defined, used, and understood under 42 U.S.C. § 9607(a) and 42 U.S.C. § 9601(14). Defendant Brazil Motors & Controls, Inc. is a liable person under 42 U.S.C. § 9607(a).

95.

Defendant Carson Oil Co., Inc. is the current owner or operator of a facility within the Portland Harbor Superfund Site. PCBs, petroleum hydrocarbons, VOCs, and other hazardous substances have been detected in soil, groundwater, surface water, or stormwater at the facility owned and operated by Carson Oil Co., Inc. PCBs, petroleum hydrocarbons, VOCs, and other hazardous substances have been detected in sediments at the Portland Harbor Superfund Site. On information and belief, PCBs, petroleum hydrocarbons, VOCs, and other hazardous substances were released during the time Carson Oil Co., Inc. was the owner or operator of the

facility. PCBs and VOCs are "hazardous substances" as that term is defined, used, and understood under 42 U.S.C. § 9607(a) and 42 U.S.C. § 9601(14). Defendant Carson Oil Co., Inc. is a liable person under 42 U.S.C. § 9607(a).

96.

Defendant Container Recovery is the current owner or operator of a facility within the Portland Harbor Superfund Site. PCBs, petroleum hydrocarbons, metals, and other hazardous substances have been detected in soil, groundwater, surface water, or stormwater at the facility owned and operated by Container Recovery. PCBs, petroleum hydrocarbons, metals, and other hazardous substances have been detected in sediments at the Portland Harbor Superfund Site. On information and belief, PCBs, petroleum hydrocarbons, VOCs, and other hazardous substances were released during the time Container Recovery was the owner or operator of the facility. PCBs, VOCs and metals are "hazardous substances" as that term is defined, used, and understood under 42 U.S.C. § 9607(a) and 42 U.S.C. § 9601(14). Defendant Container Recovery is a liable person under 42 U.S.C. § 9607(a).

97.

Defendant Cove Shipping owned or operated one or more vessels within the Portland Harbor Superfund Site. Certain "hazardous substances," as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14), including heavy metals, hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in surface water and sediments within the Portland Harbor Superfund Site and at the docking facility where the vessel(s) were moored. On information and belief, the contamination, in part, originated from the operations of Defendant Cove Shipping's vessel(s) within the Superfund Site.

Defendant Cove Shipping was the owner or operator of the vessel(s) within the Portland Harbor

Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under 42 U.S.C. §9607(a).

98.

Defendant Cove Venture, Inc. owned or operated one or more vessels within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14), including heavy metals, hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in surface water and sediments within the Portland Harbor Superfund Site and at the docking facility where the vessel(s) were moored. On information and belief, the contamination, in part, originated from the operations of Defendant Cove Venture, Inc.'s vessel(s) within the Superfund Site. Defendant Cove Venture, Inc. was the owner or operator of the vessel(s) within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under 42 U.S.C. §9607(a).

99.

Defendant Marine Propulsion Services, Inc released hazardous substances, including but not limited to metals, polycyclic aromatic hydrocarbons, oil and oil-containing materials and wastes to, in and from the Portland Harbor Superfund Site facility associated with their ship repair related manufacturing business at the Portland Shipyard in the Portland Harbor Superfund Site facility. Materials present in the Portland Harbor Superfund Site facility include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons, dioxins/furans and pesticides and other materials containing oil and oily materials and wastes. Tributyltin, PCBs,

metals, and polycyclic aromatic hydrocarbons, dioxins/furans and pesticides are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendant Marine Propulsion Services, Inc. is a liable person under 42 U.S.C. §9607(a).

100.

Defendant Eagle Marine Services, Ltd., owned and / or operated one or more vessels within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14), including heavy metals, hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in surface water and sediments within the Portland Harbor Superfund Site and at the docking facility where the vessel(s) were moored. On information and belief, the contamination, in part, originated from the operations of Defendant Eagle Marine Services, Ltd.'s vessel(s) within the Superfund Site. Defendant Eagle Marine Services, Ltd. was the owner or operator of the vessel(s) within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under 42 U.S.C. §9607(a).

101.

Based on information and belief, Defendant General Steamship Agencies, Inc. arranged for disposal of hazardous substances arranging for vessel repair services at dry dock and ship yard facilities in the Portland Harbor Superfund Site facility. Materials disposed include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes containing hazardous substances and such hazardous substances are present in sediments in the



Portland Harbor Superfund Site facility. Tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes containing hazardous substances are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). General Steamship Agencies, Inc. is a liable person under 42 U.S.C. §9607(a).

102.

Based on information and belief, Defendant General Steamship Corporation owned or operated vessels in the Portland Harbor Superfund Site facility. Based on information and belief, Defendant General Steamship Corporation arranged for disposal of hazardous substances by arranging for vessel repair services at dry dock and ship yard facilities in the Portland Harbor Superfund Site facility. Materials disposed include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes containing hazardous substances and such hazardous substances are present in sediments in the Portland Harbor Superfund Site facility. Defendant General Steamship Corporation, on information and belief, arranged for the disposal of oily wastes and polycyclic aromatic hydrocarbon chemicals at a common oil sump disposal facility that was located within the Portland Harbor Superfund Site facility. Tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes and polycyclic aromatic hydrocarbon chemicals containing hazardous substances are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendant General Steamship Corporation is a liable person under 42 U.S.C. §9607(a).

103.

Defendant Gilpin Construction, on information and belief, during the 1940s built, managed, used, and arranged for the disposal of hazardous substances at a common oil sump disposal facility that was located within the Portland Harbor Superfund Site. The sump was

developed for the purpose of disposing of oily wastes and related polycyclic aromatic hydrocarbon chemicals. Oily wastes and related polycyclic aromatic hydrocarbon chemicals are present in soil, groundwater and surface or storm water at the site of the oil sump facility that was used by defendant Gilpin Construction. Oily wastes and related polycyclic aromatic hydrocarbon chemicals have been detected in sediments at the Portland Harbor Superfund Site, and are "hazardous substances" as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendant Gilpin Construction is a liable person under 42 U.S.C. §9607(a). On information and belief, Defendant McEachern Corporation, as one of the successors in interest to Defendant Gilpin Construction, is also a liable person under 42 U.S.C. §9607(a).

104.

Defendant Glacier Northwest, Inc. is the current or former owner or operator of a facility within the Portland Harbor Superfund Site. Glacier Northwest, Inc. is the current owner of the waterfront portions of the former Albina Engine and Machine Works ship construction and repair facility. PCBs, metals, DDx, petroleum hydrocarbons, and other hazardous substances have been detected in sediments at the facility owned or operated by Glacier Northwest, Inc. PCBs, metals, DDx, petroleum hydrocarbons, and other hazardous substances have been detected in sediments at the Portland Harbor Superfund Site. On information and belief, PCBs, metals, DDx, petroleum hydrocarbons, and other hazardous substances were released from the former Albina Engine Works operations or during the time Glacier Northwest, Inc. was the owner or operator of the facility. PCBs, metals, and DDx, are "hazardous substances" as that term is defined, used, and understood under 42 U.S.C. § 9607(a) and 42 U.S.C. § 9601(14).

Defendant Glacier Northwest, Inc. is a liable person under 42 U.S.C. § 9607(a).



105.

Grundfos CBS Inc. is the current or former owner or operator of a facility within the Portland Harbor Superfund Site. PACO Pumps, Inc. is a wholly-owned subsidiary of Grundfos CBS Inc. and the former owner and operator of the facility. Petroleum hydrocarbons, PCBs, PAHs, metals, and other hazardous substances have been detected in soil, groundwater, surface water, or stormwater at the facility owned and operated by Grundfos CBS Inc. Petroleum hydrocarbons, PCBs, PAHs, metals, and other hazardous substances have been detected in sediments at the Portland Harbor Superfund Site. On information and belief, petroleum hydrocarbons, PCBs, PAHs, metals, and other hazardous substances were released during the time Grundfos CBS Inc. (or PACO Pumps, Inc.) was the owner or operator of the facility. Petroleum hydrocarbons, PCBs, PAHs, and metals are "hazardous substances" as that term is defined, used, and understood under 42 U.S.C. § 9607(a) and 42 U.S.C. § 9601(14). Defendant Grundfos CBS Inc. is a liable person under 42 U.S.C. § 9607(a).

106.

Defendant Hudson Waterways Group owned and / or operated one or more vessels within the Portland Harbor Superfund Site. Certain "hazardous substances," as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14), including heavy metals, hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in surface water and sediments within the Portland Harbor Superfund Site and at the docking facility where the vessel(s) were moored. On information and belief, the contamination, in part, originated from the operations of Defendant Hudson Waterways Group's vessel(s) within the Superfund Site. Defendant Hudson Waterways Group was the owner or operator of the vessel(s) within the Portland Harbor Superfund Site at the time of releases of hazardous

substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under 42 U.S.C. §9607(a).

107.

Defendant International Mill Services, Inc. formerly operated at a facility within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14), including hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in soil, groundwater, surface water or stormwater at the facility, and, on information and belief, originated from the operations of Defendant International Mill Services, Inc. at the facility. Those same hazardous substances have also been detected in environmental media within the Portland Harbor Superfund Site. Defendant International Mill Services, Inc. was the owner or operator of a facility within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under 42 U.S.C. §9607(a).

108.

Defendant Keystone Shipping Company owned or operated vessels in the Portland Harbor Superfund Site facility, including T/S Delaware Trader, Atigun Pass, Keystone Canyon, M/V Fredericksburg, and SS Fredericksburg. Based on information and belief, Defendant Keystone Shipping Company arranged for disposal of hazardous substances including petroleum products by arranging for vessel repair services at dry dock and ship yard facilities in the Portland Harbor Superfund Site facility. Materials disposed include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes containing

hazardous substances and such hazardous substances are present in sediments in the Portland Harbor Superfund Site facility. Tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes containing hazardous substances are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendant Keystone Shipping Company is a liable person under 42 U.S.C. §9607(a).

109.

Defendant Lakea Corporation is the owner or operator of a facility within the Portland Harbor Superfund Site. Metals, PAHs and chlorinated solvents, among other chemicals, are or were present in surface water or stormwater at the facility owned or operated by defendant Lakea Corporation, and were conveyed by stormwater sewer to the Willamette River. Metals, PAHs and chlorinated solvents are chemicals that have been detected in sediments at the Portland Harbor Superfund Site. Metals, PAHs and chlorinated solvents are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendant Lakea Corporation is a liable person under 42 U.S.C. §9607(a).

110.

Defendant L.B. Foster Delaware is the former owner or operator of a facility within the Portland Harbor Superfund Site. Petroleum hydrocarbons, chlorinated solvents, PCBs, PAHs, and metals, among other chemicals, have been detected in soil, groundwater, surface water or stormwater at the facility formerly owned or operated by L.B. Foster Delaware. Petroleum hydrocarbons, chlorinated solvents, PCBs, PAHs, and metals have been detected in sediments at the Portland Harbor Superfund Site. Chlorinated solvents, PCBs, PAHs, and metals are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a)

and 42 U.S.C. §9601(14). Defendant L.B. Foster Company, as successor-in-interest to L.B. Foster Delaware, is a liable person under 42 U.S.C. §9607(a).

111.

Defendant Linnton Plywood Association is the former owner or operator of a facility within the Portland Harbor Superfund Site. PAHs, phthalates, PCBs, and metals, among other chemicals, have been detected in soil, groundwater, surface water or stormwater at the facility formerly owned or operated by defendant Linnton Plywood Association. On information and belief, phenol-formaldehyde resins, sodium hydroxide, and petroleum hydrocarbons were associated with the facility owned or operated by defendant Linnton Plywood Association. PAHs, phthalates, PCBs, metals, phenol-formaldehyde, sodium hydroxide, and petroleum hydrocarbons have been detected in sediments at the Portland Harbor Superfund Site. PAHs, phthalates, PCBs, metals, phenol-formaldehyde, and sodium hydroxide are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendant Linnton Plywood Association is a liable person under 42 U.S.C. §9607(a).

112.

[This paragraph is intentionally left blank.]

113.

On information and belief, foundry material from American Brake Shoe & Foundry Company, Inc.’s operations was disposed at a facility located within the Portland Harbor Superfund Site. Metals were detected in foundry material at the facility. Formaldehyde, phenolics, petroleum, PAHs, oil, and metals, among other chemicals, have been detected in soil, groundwater, surface water or stormwater at the facility. Formaldehyde, phenolics, petroleum,

PAHs, oil, and metals, among other chemicals, have been detected in sediments at the Portland Harbor Superfund Site. Formaldehyde, phenolics, PAHs, oil, and metals, are a “hazardous substance” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendant M & F Worldwide Corp., as successor-in-interest to American Brake Shoe & Foundry Company, Inc., is a liable person under 42 U.S.C. §9607(a).

114.

Defendant Manhattan Tankers Company owned or operated one or more vessels within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14), including heavy metals, hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in surface water and sediments within the Portland Harbor Superfund Site and at the docking facility where the vessel(s) were moored. On information and belief, the contamination, in part, originated from the operations of Defendant Manhattan Tankers Company's vessel(s) within the Superfund Site. Defendant Manhattan Tankers Company was the owner or operator of the vessel(s) within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under 42 U.S.C. §9607(a).

115.

[This paragraph is intentionally left blank.]

116.

Defendant Mar Com Holding, LLC is a current or former owner or operator of a facility within the Portland Harbor Superfund Site. On information and belief, Mar Com Holding, LLC



released cleaning solvents, paints, thinners and sand blasting grit at the site. Heavy metals, PAHs, PCBs, TBT, TPHs, SVOCs and VOCs have been detected in sediments at the Portland Harbor Superfund Site. PAHs, heavy metals, PCBs, TPHs, SVOCs, and VOCs are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. § 9607(a) and 42 U.S.C. § 9601(14). Defendant Mar Com Holding, LLC is a liable person under 42 U.S.C. § 9607(a).

117.

Defendant Marine Vacuum Service released hazardous substances, oil and oil-containing materials and wastes to, in and from the Portland Harbor Superfund Site facility associated with their ship repair related manufacturing business at the Portland Shipyard in the Portland Harbor Superfund Site Facility. Materials present in the Portland Harbor Superfund Site facility include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons, dioxins/furans and pesticides and other materials containing oil and oily materials and wastes. Tributyltin, PCBs, metals, and polycyclic aromatic hydrocarbons, dioxins/furans and pesticides are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14).

118.

Defendant Mark Marine Service, Inc. is an owner or operator of a facility within the Portland Harbor Superfund Site. On information and belief, Mark Marine Service, Inc. released waste oil into the Willamette River. Waste oil is a “hazardous substance” as that term is defined, used and understood under 42 U.S.C. § 9607(a) and 42 U.S.C. § 9601(14). Defendant Mark Marine Service, Inc. is a liable person under 42 U.S.C. § 9607(a).

119.

Defendant Midland-Ross, Inc. formerly operated at a facility within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14), including hydrocarbons, oils, and PCBs, among other hazardous chemicals, are present in soil, groundwater, surface water or stormwater at the facility, and, on information and belief, originated from the operations of Defendant Midland-Ross, Inc. at the facility. Those same hazardous substances have also been detected in environmental media within the Portland Harbor Superfund Site. Defendant Midland-Ross, Inc. was also responsible for extensive over-water operations of ships delivering iron ore to the site, and, on information and belief, was responsible for causing or contributing to the presence of contamination in the Harbor in the areas adjacent to the dock facilities used for handling the ore. Defendant Midland-Ross, Inc. was the owner or operator of a facility within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs, to sediments at the Portland Harbor Superfund Site and is a liable person under 42 U.S.C. §9607(a).

120.

Defendant Mineral Services, Inc. formerly operated at a facility within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14), including hydrocarbons, oils, and PCBs, among other hazardous chemicals, are present in soil, groundwater, surface water or stormwater at the facility, and, on information and belief, originated from the operations of Defendant Mineral Services, Inc. at the facility. Those same hazardous substances have also been detected in environmental media within the Portland Harbor Superfund Site. Defendant Mineral Services, Inc. was also responsible for extensive over-water operations of ships



delivering iron ore to the site, and, on information and belief, was responsible for causing or contributing to the presence of contamination in the Harbor in the areas adjacent to the dock facilities used for handling the ore. Defendant Mineral Services, Inc. was the owner or operator of a facility within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs, to sediments at the Portland Harbor Superfund Site and is a liable person under 42 U.S.C. §9607(a).

121.

Premier Edible Oils Corporation or Palmco, Inc. Corporation is the former owner or operator of a facility within the Portland Harbor Superfund Site. Petroleum, heavy oils, VOCs, PAHs, TPHs, TCE, and metals, among other chemicals, have been detected in soil, groundwater, surface water or stormwater at the facility formerly owned or operated by Premier Edible Oils Corporation or Palmco, Inc. Corporation. On information and belief, Premier Edible Oils Corporation or Palmco, Inc. Corporation released heavy oil and solvents at the facility. Petroleum, heavy oils, VOCs, PAHs, TPHs, TCE, and metals have been detected in sediments at the Portland Harbor Superfund Site. Heavy oils, VOCs, PAHs, TPHs, TCE, and metals are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendants Mitsubishi Corporation and Mitsubishi International Corporation, as a successors-in-interest to Premier Edible Oils Corporation and Palmco, Inc. Corporation, are liable persons under 42 U.S.C. §9607(a).

122.

Defendant Niblick, Inc. is or was the owner or operator of a facility within the Portland Harbor Superfund Site. Metals and chlorinated solvents, among other chemicals, are present in soil, groundwater, surface water or stormwater at the facility owned or operated by defendant

Niblick, Inc. Metals and chlorinated solvents are chemicals that have been detected in sediments at the Portland Harbor Superfund Site. Metals and chlorinated solvents are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendant Niblick, Inc. is a liable person under 42 U.S.C. §9607(a).

123.

Nichols Marine Ways, Inc. is a current or former owner or operator of a facility within the Portland Harbor Superfund Site. On information and belief, Nichols Marine Ways, Inc. released used lubricating oils, cleaning solvents, paints, thinners and sand blasting grit at the site. Heavy metals, PAHs, PCBs, TBT, TPHs, SVOCs and VOCs have been detected in sediments at the Portland Harbor Superfund Site. Used oil, PAHs, heavy metals, PCBs, TPHs, SVOCs, and VOCs are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. § 9607(a) and 42 U.S.C. § 9601(14). Defendant Nichols Marine Ways, Inc. is a liable person under 42 U.S.C. § 9607(a).

124.

Defendant Northwest Copper Works released hazardous substances, oil and oil-containing materials and wastes to, in and from the Portland Harbor Superfund Site facility associated with their ship repair related manufacturing business at the Portland Shipyard in the Portland Harbor Superfund Site Facility. Materials present in the Portland Harbor Superfund Site facility include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons, dioxins/furans and pesticides and other materials containing oil and oily materials and wastes. Tributyltin, PCBs, metals, and polycyclic aromatic hydrocarbons, dioxins/furans and pesticides are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14).

125.

Defendant Olympic Tug & Barge, Inc. is an owner or operator of a facility within the Portland Harbor Superfund Site. On information and belief, Olympic Tug & Barge, Inc. released waste oil into the Willamette River. Waste oil is a "hazardous substance" as that term is defined, used and understood under 42 U.S.C. § 9607(a) and 42 U.S.C. § 9601(14). Defendant Olympic Tug & Barge, Inc. is a liable person under 42 U.S.C. § 9607(a).

126.

Defendant Peanut Butter Properties, LLC is the current owner or operator of a facility within the Portland Harbor Superfund Site. Metals, PCBs, petroleum hydrocarbons, and other hazardous substances have been detected in soil, groundwater, surface water, or stormwater at the facility owned or operated by Peanut Butter Properties, LLC. Metals, PCBs, petroleum hydrocarbons, and other hazardous substances have been detected in sediments at the Portland Harbor Superfund Site. On information and belief, metals, PCBs, petroleum hydrocarbons, and other hazardous substances were released during the time Peanut Butter Properties, LLC was the owner or operator of the facility. Metals and PCBs are "hazardous substances" as that term is defined, used, and understood under 42 U.S.C. § 9607(a) and 42 U.S.C. § 9601(14). Defendant Peanut Butter Properties, LLC is a liable person under 42 U.S.C. § 9607(a).

127.

Defendant Red-Samm Mining Company, Inc., doing business as Lakeside Industries, is the owner or operator of a facility within the Portland Harbor Superfund Site. Metals and chlorinated solvents, among other chemicals, are present in soil, groundwater, surface water or stormwater at the facility owned or operated by defendant Red-Samm Mining Company, Inc.

Metals and chlorinated solvents are chemicals that have been detected in sediments at the

Portland Harbor Superfund Site. Metals and chlorinated solvents are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14).

Defendant Red-Samm Mining Company, Inc. is a liable person under 42 U.S.C. §9607(a).

128.

Defendant Richmond Tankers owned or operated one or more vessels within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14), including heavy metals, hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in surface water and sediments within the Portland Harbor Superfund Site and at the docking facility where the vessel(s) were moored. On information and belief, the contamination, in part, originated from the operations of Defendant Richmond Tankers' vessel(s) within the Superfund Site.

Defendant Richmond Tankers was the owner or operator of the vessel(s) within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under 42 U.S.C. §9607(a).

129.

Defendant RK Storage & Warehousing, Inc. is the current owner or operator of a facility within the Portland Harbor Superfund Site. Formaldehyde, phenolics, petroleum, PAHs, oil, and metals, among other chemicals, have been detected in soil, groundwater, surface water or stormwater at the facility owned or operated by defendant RK Storage & Warehousing, Inc. Formaldehyde, phenolics, petroleum, PAHs, oil, and metals have been detected in sediments at the Portland Harbor Superfund Site. Formaldehyde, phenolics, PAHs, oil, and metals are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a)

and 42 U.S.C. §9601(14). Defendant RK Storage & Warehousing, Inc. is a liable person under 42 U.S.C. §9607(a).

130.

Defendant Rusco Inc. is the owner or operator of a facility within the Portland Harbor Superfund Site, doing business as Dura Industries. Metals and chlorinated solvents, among other chemicals, are present in soil, groundwater, surface water or stormwater at the facility owned or operated by defendant Rusco Inc. Metals and chlorinated solvents are chemicals that have been detected in sediments at the Portland Harbor Superfund Site. Metals and chlorinated solvents are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendant Rusco Inc. is a liable person under 42 U.S.C. §9607(a).

131.

On information and belief, Defendants CSA Acquisition Corp and CSX/Sea-Land, Inc. owned or operated vessels in the Portland Harbor Superfund Site facility. Based on information and belief, Defendants CSA Acquisition Corp and CSX/Sea-Land, Inc. arranged for disposal of hazardous substances by arranging for vessel repair services at dry dock and ship yard facilities in the Portland Harbor Superfund Site facility. Materials disposed include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes containing hazardous substances and such hazardous substances are present in sediments in the Portland Harbor Superfund Site facility. Tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes containing hazardous substances are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendants CSA Acquisition Corp and CSX/Sea-Land, Inc. are liable persons under 42 U.S.C. 9607(a).



132.

Defendant Stenno Carbon Company is a current or former owner or operator of a facility within the Portland Harbor Superfund Site. On information and belief, Stenno Carbon Company released carbon black, petroleum hydrocarbons, hydrated aluminum silicate, and heavy metals at the site. Carbon black, hydrated aluminum silicate, and heavy metals are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. § 9607(a) and 42 U.S.C. § 9601(14). Defendant Stenno Carbon Company is a liable person under 42 U.S.C. § 9607(a).

133.

Defendant Summit Properties, Inc. is the current owner or operator of a facility within the Portland Harbor Superfund Site. Methylene chloride, metals, oil, and grease, among other chemicals, have been detected in soil, groundwater, surface water or stormwater at the facility owned or operated by Summit Properties, Inc. On information and belief, a release of paint coating occurred at the facility. Methylene chloride, metals, oil, and grease have been detected in sediments at the Portland Harbor Superfund Site. Methylene chloride, metals, oil, and grease, are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendant Summit Properties, Inc. is a liable person under 42 U.S.C. §9607(a).

134.

Defendant Tidewater Barge Lines, Inc. owned or operated vessels in the Portland Harbor Superfund Site facility, including M/V Leira, Tank Barge TW 704, and Defiance. Based on information and belief, Tidewater Barge Lines, Inc. and its predecessors arranged for disposal of hazardous substances including petroleum products by arranging for vessel repair services at dry dock and ship yard facilities in the Portland Harbor Superfund Site facility. Materials disposed

include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes containing hazardous substances and such hazardous substances are present in sediments in the Portland Harbor Superfund Site facility. Tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes containing hazardous substances are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendant Tidewater Barge Lines, Inc. is a liable person under 42 U.S.C. §9607(a).

135.

Defendant Trans Industries, LLC is a current or former owner or operator of a facility within the Portland Harbor Superfund Site. On information and belief, Trans Industries, LLC released zinc, oil & grease, ethylene glycol, petroleum mid-distillates, base lubricating oils, heavy metals, pesticides, TPH, and petroleum hydrocarbons at the site. Zinc, oil & grease, ethylene glycol, petroleum mid-distillates, base lubricating oils, heavy metals, and pesticides are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. § 9607(a) and 42 U.S.C. § 9601(14). Defendant Trans Industries, LLC is a liable person under 42 U.S.C. § 9607(a).

136.

[This paragraph is intentionally left blank.]

137.

Based on information and belief, Defendant Waterman Steamship Corp. owned or operated vessels in the Portland Harbor Superfund Site facility. Based on information and belief, Defendant Waterman Steamship Corp. arranged for disposal of hazardous substances by arranging for vessel repair services at dry dock and ship yard facilities in the Portland Harbor Superfund Site facility. Materials disposed include, but are not limited to, tributyltin, PCBs,



metals, polycyclic aromatic hydrocarbons and oily wastes containing hazardous substances and such hazardous substances are present in sediments in the Portland Harbor Superfund Site facility. Defendant Waterman Steamship Corp., on information and belief, arranged for the disposal of oily wastes and polycyclic aromatic hydrocarbon chemicals at a common oil sump disposal facility that was located within the Portland Harbor Superfund Site facility. Tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes containing hazardous substances are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendant Waterman Steamship Corp. is a liable person under 42 U.S.C. §9607(a).

138.

Defendant Western Wire Works, Inc. is the owner or operator of a facility within the Portland Harbor Superfund Site. Metals, PAHs and chlorinated solvents, among other chemicals, are present in soil, groundwater, surface water or stormwater at the facility owned or operated by defendant Western Wire Works, Inc. Metals, PAHs and chlorinated solvents are chemicals that have been detected in sediments at the Portland Harbor Superfund Site. Metals, PAHs and chlorinated solvents are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendant Western Wire Works, Inc. is a liable person under 42 U.S.C. §9607(a).

139.

Defendant Jiahong Zang is the owner of a facility within the Portland Harbor Superfund Site. Metals, PCBs, and chlorinated solvents, among other chemicals, are present in soil, groundwater, surface water or stormwater at the facility owned by defendant Jiahong Zang.

Metals, PCBs, and chlorinated solvents are chemicals that have been detected in sediments at the

Portland Harbor Superfund Site, including at locations adjacent to the facility owned by Jiahong Zang. Metals, PCBs, and chlorinated solvents are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C. §9601(14). Defendant Jiahong Zang is a liable person under 42 U.S.C. §9607(a).

140.

Defendant Zidell Entities released hazardous substances, oil and oil-containing materials and wastes to, in and from the Portland Harbor Superfund Site facility associated with ship scrapping, scrap handling, ship building, ship mooring and other ship handling activities, including but not limited to spills and releases documented in the findings of fact and conclusions of law in the litigation styled ZRZ Realty Company et al. v. Beneficial Fire and Casualty Insurance Company, et al., case No. 9708-06226, Multnomah County Circuit Court. One or more of the Zidell Entities allowed oil and other hazardous substances to be released from the ship the Princeton in 1973 in the Portland Harbor Superfund Site facility. On information and belief, one or more of the Zidell Entities arranged for disposal of materials by contracting for ship repair activities and ship moorage at and in the vicinity of the former Portland Shipyard located within the Portland Harbor Superfund Site. Additionally, one or more of the Zidell Entities arranged for the disposal of oil, oily wastes and related polycyclic aromatic hydrocarbon chemicals at a common oil sump located within the Portland Harbor Superfund Site. Materials disposed in the Portland Harbor Superfund Site facility include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons, dioxins/furans and pesticides and other materials containing oil and oily materials and wastes. Tributyltin, PCBs, metals, and polycyclic aromatic hydrocarbons, dioxins/furans and pesticides are “hazardous substances” as that term is defined, used and understood under 42 U.S.C. §9607(a) and 42 U.S.C.

§9601(14). The Zidell Entities are liable persons under 42 U.S.C. §9607(a).

141.

Plaintiffs have incurred “necessary costs of response,” as that term is defined, used and understood in 42 U.S.C. § 9607(a) and 42 U.S.C. § 9601(25), related to the release or threatened release of hazardous substances to, at and from the Portland Harbor Superfund Site.

142.

All response costs incurred by plaintiffs as a consequence of the release or threatened release of hazardous substances at the Portland Harbor Superfund Site have been consistent with the National Contingency Plan, 40 C.F.R. Part 300.

143.

Plaintiffs have paid more than their equitable shares of necessary costs of response incurred and to be incurred to complete the Portland Harbor RI/FS. Defendants have paid less than their equitable shares of necessary costs of response incurred and to be incurred to complete the Portland Harbor RI/FS.

144.

The EPA Settlement Agreement is an administrative settlement through which plaintiffs have resolved their liability to the United States for the Portland Harbor RI/FS within the meaning of 42 U.S.C. §9613(f).

145.

Pursuant to 42 U.S.C. § 9613(f)(3)(B), plaintiffs are entitled to contribution from defendants and to an equitable allocation as between plaintiffs and defendants of necessary costs of response incurred or to be incurred in addressing the release or threatened release of hazardous substances to, at or from the Portland Harbor Superfund Site.

SECOND CLAIM FOR RELIEF

(Declaratory Judgment: CERCLA Contribution: 42 U.S.C. §9613(f)(3)(B))

146.

Plaintiffs reallege and incorporate by reference the allegations of paragraphs 1 through 145 above.

147.

A present and justiciable controversy has arisen between plaintiffs and defendants relating to liability for past and future costs necessary to respond to releases or threatened releases of hazardous substances to, at or from the Portland Harbor Superfund Site.

148.

Pursuant to 28 U.S.C. §§ 2201 and 2202 and 42 U.S.C. §§ 9613(f)(3)(B), plaintiffs seek and are entitled to a declaratory judgment that defendants and each of them are liable parties under CERCLA, 42 U.S.C. §9607(a), with respect to releases and threatened releases of hazardous substances at the Portland Harbor Superfund Site, and that plaintiffs are owed contribution from defendants for necessary costs of response to be incurred by plaintiffs with respect to such releases and threatened releases, and to an equitable allocation of past and future costs of response as between plaintiffs and defendants.

THIRD CLAIM FOR RELIEF

(CERCLA Cost Recovery: 42 U.S.C. §9607)

149.

Plaintiffs reallege and incorporate by reference the allegations of paragraphs 1 through 148 above.

150.

Pursuant to 42 U.S.C. § 9607(a), plaintiffs are entitled to cost recovery from defendants and to an equitable allocation as between plaintiffs and defendants of past and future response costs associated with the release or threatened release of hazardous substances to, at or from the Portland Harbor Superfund Site.

#### FOURTH CLAIM FOR RELIEF

(Declaratory Judgment: CERCLA Cost Recovery: 42 U.S.C. §9607)

151.

Plaintiffs reallege and incorporate by reference the allegations of paragraphs 1 through 150 above.

152.

A present and justiciable controversy has arisen between plaintiffs and defendants relating to liability for past and future costs necessary to respond to the releases or threatened release of hazardous substances to, at or from the Portland Harbor Superfund Site.

153.

Pursuant to 28 U.S.C. §§ 2201 and 2202 and 42 U.S.C. §§ 9607(f)(3)(B), plaintiffs seek and are entitled to a declaratory judgment that defendants and each of them are liable parties under CERCLA, 42 U.S.C. §9607(a), with respect to releases and threatened releases of hazardous substances at the Site, and that plaintiffs are owed cost recovery from defendants for necessary costs of response to be incurred by plaintiffs with respect to such releases and threatened releases, and to an equitable allocation of past and future costs of response as between plaintiffs and defendants.

#### FIFTH CLAIM FOR RELIEF

(Oregon Superfund Contribution: ORS 465.325(6)(a))

154.

Plaintiffs reallege and incorporate by reference the allegations of paragraphs 1 through 153 above.

155.

The Portland Harbor Superfund Site, and upland properties adjacent to and pipes and other conveyances discharging to the Portland Harbor Superfund Site, are “facilities” as that term is defined, used and understood under ORS 465.200(12) and ORS 465.255(1).

156.

Defendant A & C Foundry Products, Inc. is the owner of a “facility” within the Portland Harbor Superfund Site. Petroleum hydrocarbons, naphtha and polymethylene isocyanate have been detected in sediments at the Portland Harbor Superfund Site. Petroleum hydrocarbons, naphtha and polymethylene isocyanate are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16), and ORS 465.255(1). Defendant A & C Foundry Products, Inc. is a liable person under ORS 465.255(1).

157.

Defendant Alaska Tanker Company, LLC caused, contributed to, or exacerbated a release of oil into a facility, the Willamette River. Oil is a “hazardous substance” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). The Willamette River is a facility pursuant to ORS 465.255(1)(b). Defendant Alaska Tanker Company, LLC is a liable person under ORS 465.255(1).

158.

Defendant American Seafoods, Inc. owned or operated vessels in the Portland Harbor



Superfund Site facility, including the F/V Pacific Explorer. Defendant American Seafoods, Inc. had a release of petroleum products from the vessel F/V Pacific Explorer into the Portland Harbor Superfund Site facility. Based on information and belief, Defendant American Seafoods, Inc. arranged for disposal of hazardous substances and petroleum products by arranging for vessel repair services at dry dock and ship yard facilities in the Portland Harbor Superfund Site facility. Materials disposed include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons, other petroleum products and oily wastes and such hazardous substances are present in sediments in the Portland Harbor Superfund Site facility. Tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes containing hazardous substances are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16). American Seafoods, Inc. is a liable person under ORS 465.255(1).

159.

Defendant Anderson Roofing Company, Inc. is the owner of a “facility” within the Portland Harbor Superfund Site. On information and belief, Anderson Roofing Company, Inc. released petroleum hydrocarbons, petroleum distillates, asphalt mineral spirits, liquid asphalt, stoddard solvent and polybutene at the site. Petroleum hydrocarbons, petroleum distillates, asphalt mineral spirits, liquid asphalt, stoddard solvent and polybutene are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16), and ORS 465.255(1). Defendant Anderson Roofing Company, Inc. is a liable person under ORS 465.255(1).

160.

Defendant Arizona Slag Processing, Incorporated formerly operated at a facility within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined,

used and understood under ORS 465.200(16) and ORS 465.255(1), including hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in soil, groundwater, surface water or stormwater at the facility, and, on information and belief, originated from the operations of Defendant Arizona Slag Processing, Incorporated at the facility. Those same hazardous substances have also been detected in environmental media within the Portland Harbor Superfund Site. Defendant Arizona Slag Processing, Incorporated was the owner or operator of a facility within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under ORS 465.255(1).

161.

Defendant Baldor Electric Company is the former owner or operator of a facility within the Portland Harbor Superfund Site. PCBs, PAHs, VOCs, SVOCs, metals and other hazardous substances have been detected in soil, groundwater, surface water, or stormwater at the facility owned or operated by Baldor Electric Company. PCBs, PAHs, VOCs, SVOCs, metals, and other hazardous substances have been detected in sediments at the Portland Harbor Superfund Site. On information and belief, PAHs, VOCs, SVOCs, metals, and other hazardous substances were released during the time Baldor Electric Company was the owner or operator of the facility. PCBs, PAHs, VOCs, SVOCs, and metals are "hazardous substances" as that term is defined, used, and understood under ORS 465.200(16) and ORS 465.255(1). Defendant Baldor Electric Company is a liable person under ORS 465.255(1).

162.

Defendant Barracuda Tanker Corporation owned and / or operated one or more vessels

within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1), including heavy metals, hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in surface water and sediments within the Portland Harbor Superfund Site and at the docking facility where the vessel(s) were moored. On information and belief, the contamination, in part, originated from the operations of Defendant Barracuda Tanker Corporation's vessel(s) within the Superfund Site. Defendant Barracuda Tanker Corporation was the owner or operator of the vessel(s) within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under ORS 465.255(1).

163.

Defendant Barrich, Inc. is the owner or operator of a facility within the Portland Harbor Superfund Site. Metals, oily wastewater including PAHs, treatment chemicals including chlorinated solvents, petroleum oils and glycol solution are or were present in surface water or stormwater at the facility owned or operated by defendant Barrich, Inc. These waters were released to conveyance systems that discharge to the Willamette River. Metals, PAHs, and chlorinated solvents are chemicals that have been detected in sediments at the Portland Harbor Superfund Site. Metals, PAHs, and chlorinated solvents are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant Barrich, Inc. is a liable person under ORS 465.255(1).

163.

Defendant Bay Tankers owned and / or operated one or more vessels within the Portland

Harbor Superfund Site. Certain "hazardous substances," as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1), including heavy metals, hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in surface water and sediments within the Portland Harbor Superfund Site and at the docking facility where the vessel(s) were moored. On information and belief, the contamination, in part, originated from the operations of Defendant Bay Tankers' vessel(s) within the Superfund Site. Defendant Bay Tankers was the owner or operator of the vessel(s) within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under ORS 465.255(1).

164.

Defendant Brazil Motors & Controls, Inc. is the current or former owner or operator of a facility within the Portland Harbor Superfund Site. PCBs and other hazardous substances have been detected in soil, groundwater, surface water, or stormwater at the facility owned or operated by Brazil Motors & Controls, Inc. PCBs and other hazardous substances have been detected in sediments at the Portland Harbor Superfund Site. On information belief, PCBs and other hazardous substances were released during the time Brazil Motors & Controls, Inc. was the owner or operator of the facility. PCBs are "hazardous substances" as that term is defined, used, and understood under 42 U.S.C. § 9607(a), 42 U.S.C. § 9601(14), ORS 465.200(16), and ORS 465.255(1). Defendant Brazil Motors & Controls, Inc. is a liable person under 42 U.S.C. § 9607(a) and ORS 465.255(1).

165.

Defendant Carson Oil Co., Inc. is the current owner or operator of a facility within the

Portland Harbor Superfund Site. PCBs, petroleum hydrocarbons, VOCs, and other hazardous substances have been detected in soil, groundwater, surface water, or stormwater at the facility owned and operated by Carson Oil Co., Inc. PCBs, petroleum hydrocarbons, VOCs, and other hazardous substances have been detected in sediments at the Portland Harbor Superfund Site. On information and belief, PCBs, petroleum hydrocarbons, VOCs, and other hazardous substances were released during the time Carson Oil Co., Inc. was the owner or operator of the facility. PCBs, petroleum hydrocarbons, and VOCs are "hazardous substances" as that term is defined, used, and understood under ORS 465.200(16), and ORS 465.255(1). Defendant Carson Oil Co., Inc. is a liable person under ORS 465.255(1).

166.

Defendant Container Recovery is the current owner or operator of a facility within the Portland Harbor Superfund Site. PCBs, petroleum hydrocarbons, metals, and other hazardous substances have been detected in soil, groundwater, surface water, or stormwater at the facility owned and operated by Container Recovery. PCBs, petroleum hydrocarbons, metals, and other hazardous substances have been detected in sediments at the Portland Harbor Superfund Site. On information and belief, PCBs, petroleum hydrocarbons, VOCs, and other hazardous substances were released during the time Container Recovery was the owner or operator of the facility. PCBs, petroleum hydrocarbons, and metals are "hazardous substances" as that term is defined, used, and understood under ORS 465.200(16), and ORS 465.255(1). Defendant Container Recovery is a liable person under ORS 465.255(1).

167.

Defendant Cove Shipping owned or operated one or more vessels within the Portland

Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1), including heavy metals, hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in surface water and sediments within the Portland Harbor Superfund Site and at the docking facility where the vessel(s) were moored. On information and belief, the contamination, in part, originated from the operations of Defendant Cove Shipping's vessel(s) within the Superfund Site. Defendant Cove Shipping was the owner or operator of the vessel(s) within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under ORS 465.255(1).

168.

Defendant Cove Venture, Inc. owned or operated one or more vessels within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1) including heavy metals, hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in surface water and sediments within the Portland Harbor Superfund Site and at the docking facility where the vessel(s) were moored. On information and belief, the contamination, in part, originated from the operations of Defendant Cove Venture, Inc.'s vessel(s) within the Superfund Site. Defendant Cove Venture, Inc. was the owner or operator of the vessel(s) within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under ORS 465.255(1).



169.

Defendant Marine Propulsion Services, Inc. released hazardous substances, including but not limited to metals, polycyclic aromatic hydrocarbons, oil and oil-containing materials and wastes to, in and from the Portland Harbor Superfund Site facility associated with their ship repair related manufacturing business at the Portland Shipyard in the Portland Harbor Superfund Site facility. Materials present in the Portland Harbor Superfund Site facility include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons, dioxins/furans and pesticides and other materials containing oil and oily materials and wastes. Tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons, dioxins/furans, pesticides, oil and oily wastes, oil, oil-containing materials and oily wastes are “hazardous substances” as defined in ORS 465.200(16). Defendant Marine Propulsion Services is a liable person under ORS 465.255(1).

170.

Defendant Eagle Marine Services, Ltd., owned and / or operated one or more vessels within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1), including heavy metals, hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in surface water and sediments within the Portland Harbor Superfund Site and at the docking facility where the vessel(s) were moored. On information and belief, the contamination, in part, originated from the operations of Defendant Eagle Marine Services, Ltd.'s vessel(s) within the Superfund Site. Defendant Eagle Marine Services, Ltd. was the owner or operator of the vessel(s) within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under ORS 465.255(1).

171.

Based on information and belief, Defendant General Steamship Agencies, Inc. arranged for disposal of hazardous substances arranging for vessel repair services at dry dock and ship yard facilities in the Portland Harbor Superfund Site facility. Materials disposed include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons, petroleum products and oily wastes and such hazardous substances are present in sediments in the Portland Harbor Superfund Site facility. Tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes and petroleum products are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16). General Steamship Agencies, Inc. is a liable person under ORS 465.255(1).

172.

Based on information and belief, Defendant General Steamship Corporation owned or operated vessels in the Portland Harbor Superfund Site facility. Based on information and belief, Defendant General Steamship Corporation arranged for disposal of hazardous substances by arranging for vessel repair services at dry dock and ship yard facilities in the Portland Harbor Superfund Site facility. Materials disposed include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes and such hazardous substances are present in sediments in the Portland Harbor Superfund Site facility. Defendant General Steamship Corporation, on information and belief, arranged for the disposal of oily wastes and polycyclic aromatic hydrocarbon chemicals at a common oil sump disposal facility that was located within the Portland Harbor Superfund Site facility. Tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes, polycyclic aromatic hydrocarbon chemicals and petroleum products are “hazardous substances” as that term is defined, used and understood

under ORS 465.200(16). General Steamship Corporation is a liable person under ORS 465.255(1).

173.

Defendant Gilpin Construction, on information and belief, during the 1940s built, managed, used, arranged for, or otherwise caused, contributed to or exacerbated the disposal of hazardous substances at a common oil sump disposal facility that was located within the Portland Harbor Superfund Site. The sump was developed for the purpose of disposing of oily wastes and related polycyclic aromatic hydrocarbon chemicals. Oily wastes and related polycyclic aromatic hydrocarbon chemicals are present in soil, groundwater and surface or storm water at the site of the oil sump facility that was used by defendant Gilpin Construction. Oily wastes and related polycyclic aromatic hydrocarbon chemicals have been detected in sediments at the Portland Harbor Superfund Site, and are "hazardous substances" as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant Gilpin Construction is a liable person under ORS 465.255(1). On information and belief, Defendant McEachern Corporation, as one of the successors in interest to Defendant Gilpin Construction, is also a liable person under ORS 465.255(1).

174.

Defendant Glacier Northwest, Inc. is the current or former owner or operator of a facility within the Portland Harbor Superfund Site. Glacier Northwest, Inc. is the current owner of the waterfront portions of the former Albina Engine and Machine Works ship construction and repair facility. PCBs, metals, DDx, petroleum hydrocarbons, and other hazardous substances have been detected in sediments at the facility owned or operated by Glacier Northwest, Inc. PCBs, metals, DDx, petroleum hydrocarbons, and other hazardous substances have been

detected in sediments at the Portland Harbor Superfund Site. On information and belief, PCBs, metals, DDx, petroleum hydrocarbons, and other hazardous substances were released from the former Albina Engine Works operations or during the time Glacier Northwest, Inc. was the owner or operator of the facility. PCBs, metals, DDx, and petroleum hydrocarbons are "hazardous substances" as that term is defined, used, and understood under ORS 465.200(16), and ORS 465.255(1). Defendant Glacier Northwest, Inc. is a liable person under ORS 465.255(1).

175.

Defendant Grundfos CBS Inc. is the current or former owner or operator of a facility within the Portland Harbor Superfund Site. PACO Pumps, Inc. is a wholly-owned subsidiary of Grundfos CBS Inc. and the former owner and operator of the facility. Petroleum hydrocarbons, PCBs, PAHs, metals, and other hazardous substances have been detected in soil, groundwater, surface water, or stormwater at the facility owned and operated by Grundfos CBS Inc. Petroleum hydrocarbons, PCBs, PAHs, metals, and other hazardous substances have been detected in sediments at the Portland Harbor Superfund Site. On information and belief, petroleum hydrocarbons, PCBs, PAHs, metals, and other hazardous substances were released during the time Grundfos CBS Inc. (or PACO Pumps, Inc.) was the owner or operator of the facility. Petroleum hydrocarbons, PCBs, PAHs, and metals are "hazardous substances" as that term is defined, used, and understood under ORS 465.200(16), and ORS 465.255(1). Defendant Grundfos CBS Inc. is a liable person under ORS 465.255(1).

176.

Pacific Northern Oil Corp. is the former owner or operator of a facility within the Portland Harbor Superfund Site. Petroleum, PAHs, TPHs, and benzene, among other chemicals,

have been detected in soil, groundwater, surface water or stormwater at the facility formerly owned or operated by Pacific Northern Oil Corp. On information and belief, on or about 1998, Pacific Northern Oil Corp. released fuel oil into the Willamette River. Petroleum, PAHs, TPHs, benzene, and fuel oil have been detected in sediments at the Portland Harbor Superfund Site. Petroleum, PAHs, TPHs, benzene, and fuel oil are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant HAL North America, Inc., as successor-in-interest to Pacific Northern Oil Corp., is a liable person under ORS 465.255(1).

177.

Defendant Hudson Waterways Group owned and / or operated one or more vessels within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1), including heavy metals, hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in surface water and sediments within the Portland Harbor Superfund Site and at the docking facility where the vessel(s) were moored. On information and belief, the contamination, in part, originated from the operations of Defendant Hudson Waterways Group's vessel(s) within the Superfund Site. Defendant Hudson Waterways Group was the owner or operator of the vessel(s) within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under ORS 465.255(1).

178.

Defendant International Mill Services, Inc. formerly operated at a facility within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used

and understood under ORS 465.200(16) and ORS 465.255(1), including hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in soil, groundwater, surface water or stormwater at the facility, and, on information and belief, originated from the operations of Defendant International Mill Services, Inc. at the facility. Those same hazardous substances have also been detected in environmental media within the Portland Harbor Superfund Site. Defendant International Mill Services, Inc. was the owner or operator of a facility within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under ORS 465.255(1).

179.

Defendant K-Sea Transportation Partners LP caused, contributed to, or exacerbated releases of oil and fuel into a facility, the Willamette River. Oil and fuel are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). The Willamette River is a facility pursuant to ORS 465.255(1)(b). Defendant K-Sea Transportation Partners LP is a liable person under ORS 465.255(1).

180.

Defendant Keystone Shipping Company owned or operated vessels in the Portland Harbor Superfund Site facility, including T/S Delaware Trader, Atigun Pass, Keystone Canyon, M/V Fredericksburg, and SS Fredericksburg. Defendant Keystone Shipping Company had releases of petroleum products from vessels into the Portland Harbor Superfund Site facility. Based on information and belief, Defendant Keystone Shipping Company arranged for disposal of hazardous substances including petroleum products by arranging for vessel repair services at



dry dock and ship yard facilities in the Portland Harbor Superfund Site facility. Materials disposed include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes and such hazardous substances are present in sediments in the Portland Harbor Superfund Site facility. Tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16). Defendant Keystone Shipping Company is a liable person under ORS 465.255(1).

181.

Defendant Lakea Corporation is the owner or operator of a facility within the Portland Harbor Superfund Site. Metals, PAHs and chlorinated solvents, among other chemicals, are or were present in surface water or stormwater at the facility owned or operated by defendant Lakea Corporation, and were conveyed by stormwater sewer to the Willamette River. Metals, PAHs and chlorinated solvents are chemicals that have been detected in sediments at the Portland Harbor Superfund Site. Metals, PAHs and chlorinated solvents are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant Lakea Corporation is a liable person under ORS 465.255(1).

182.

Defendant L.B. Foster Delaware is the former owner or operator of a facility within the Portland Harbor Superfund Site. Petroleum hydrocarbons, chlorinated solvents, PCBs, PAHs, and metals, among other chemicals, have been detected in soil, groundwater, surface water or stormwater at the facility formerly owned or operated by L.B. Foster Delaware. Petroleum hydrocarbons, chlorinated solvents, PCBs, PAHs, and metals have been detected in sediments at

the Portland Harbor Superfund Site. Petroleum hydrocarbons, chlorinated solvents, PCBs, PAHs, and metals are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant L.B. Foster Company, as successor-in-interest to L.B. Foster Delaware, is a liable person under ORS 465.255(1).

183.

Defendant Linnton Plywood Association is the former owner or operator of a facility within the Portland Harbor Superfund Site. PAHs, phthalates, PCBs and metals, among other chemicals, have been detected in soil, groundwater, surface water or stormwater at the facility formerly owned or operated by defendant Linnton Plywood Association. On information and belief, phenol-formaldehyde resins, sodium hydroxide, and petroleum hydrocarbons were associated with the facility owned or operated by defendant Linnton Plywood Association. PAHs, phthalates, PCBs, metals, phenol-formaldehyde, sodium hydroxide, and petroleum hydrocarbons have been detected in sediments at the Portland Harbor Superfund Site. PAHs, phthalates, PCBs, metals, phenol-formaldehyde, sodium hydroxide, and petroleum hydrocarbons are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant Linnton Plywood Association is a liable person under ORS 465.255(1).

184.

[This paragraph is intentionally left blank.]

185.

On information and belief, foundry material from American Brake Shoe & Foundry Company, Inc.’s operations was disposed of at a facility located within the Portland Harbor

Superfund Site. Metals were detected in foundry material at the facility. Formaldehyde, phenolics, petroleum, PAHs, oil, and metals, among other chemicals, have been detected in soil, groundwater, surface water or stormwater at the facility. Formaldehyde, phenolics, petroleum, PAHs, oil, and metals, among other chemicals, have been detected in sediments at the Portland Harbor Superfund Site. Formaldehyde, phenolics, petroleum, PAHs, oil, and metals, are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant M & F Worldwide Corp., as successor-in-interest to American Brake Shoe & Foundry Company, Inc., is a liable person under ORS 465.255(1).

186.

Defendant Manhattan Tankers Company owned or operated one or more vessels within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1), including heavy metals, hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in surface water and sediments within the Portland Harbor Superfund Site and at the docking facility where the vessel(s) were moored. On information and belief, the contamination, in part, originated from the operations of Defendant Manhattan Tankers Company 's vessel(s) within the Superfund Site. Defendant Manhattan Tankers Company was the owner or operator of the vessel(s) within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under ORS 465.255(1).

187.

[This paragraph is intentionally left blank.]

188.

Defendant Mark Marine Service, Inc. caused, contributed to, or exacerbated releases of oil and used oil into a facility, the Willamette River. Oil and used oil are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). The Willamette River is a facility pursuant to ORS 465.255(1)(b). Defendant Mark Marine Service, Inc. is a liable person under ORS 465.255(1).

189.

Defendant Mar Com Holding, LLC is the owner of a “facility” within the Portland Harbor Superfund Site. On information and belief, Mar Com Holding, LLC released cleaning solvents, paints, thinners, sand blasting grit, diesel fuel, gasoline, and lubricating oils at the site. Heavy metals, PAHs, PCBs, TPHs, SVOCs and VOCs have been detected in sediments at the Portland Harbor Superfund Site. PAHs, heavy metals, PCBs, TPHs, SVOCs, and VOCs are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant Mar Com Holding, LLC is a liable person under ORS 465.255(1).

190.

Defendant Marine Vacuum Service released hazardous substances, oil and oil-containing materials and wastes to, in and from the Portland Harbor Superfund Site facility associated with their ship repair related manufacturing business at the Portland Shipyard in the Portland Harbor Superfund Site Facility. Materials present in the Portland Harbor Superfund Site facility include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons, dioxins/furans and pesticides and other materials containing oil and oily materials and wastes.

Tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons, dioxins/furans, pesticides, oil and oily wastes, oil, oil-containing materials and oily wastes are “hazardous substances” as defined in ORS 465.200(16). Defendant Marine Vacuum Service is a liable person under ORS 465.255(1).

191.

Defendant Midland-Ross, Inc. formerly operated at a facility within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1), including hydrocarbons, oils, and PCBs, among other hazardous chemicals, are present in soil, groundwater, surface water or stormwater at the facility, and, on information and belief, originated from the operations of Defendant Midland-Ross, Inc. at the facility. Those same hazardous substances have also been detected in environmental media within the Portland Harbor Superfund Site. Defendant Midland-Ross, Inc. was also responsible for extensive over-water operations of ships delivering iron ore to the site, and, on information and belief, was responsible for causing or contributing to the presence of contamination in the Harbor in the areas adjacent to the dock facilities used for handling the ore. Defendant Midland-Ross, Inc. was the owner or operator of a facility within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs, to sediments at the Portland Harbor Superfund Site and is a liable person under ORS 465.255(1).

192.

Defendant Mineral Services, Inc. formerly operated at a facility within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1), including hydrocarbons, oils, and

PCBs, among other hazardous chemicals, are present in soil, groundwater, surface water or stormwater at the facility, and, on information and belief, originated from the operations of Defendant Mineral Services, Inc. at the facility. Those same hazardous substances have also been detected in environmental media within the Portland Harbor Superfund Site. Defendant Mineral Services, Inc. was also responsible for extensive over-water operations of ships delivering iron ore to the site, and, on information and belief, was responsible for causing or contributing to the presence of contamination in the Harbor in the areas adjacent to the dock facilities used for handling the ore. Defendant Mineral Services, Inc. was the owner or operator of a facility within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs, to sediments at the Portland Harbor Superfund Site and is a liable person under ORS 465.255(1).

193.

Premier Edible Oils Corporation or Palmco, Inc. Corporation is the former owner or operator of a facility within the Portland Harbor Superfund Site. Petroleum, heavy oils, VOCs, PAHs, TPHs, TCE, and metals, among other chemicals, have been detected in soil, groundwater, surface water or stormwater at the facility formerly owned or operated by Premier Edible Oils Corporation or Palmco, Inc. Corporation. On information and belief, Premier Edible Oils Corporation or Palmco, Inc. Corporation released heavy oil and solvents at the facility. Petroleum, heavy oils, VOCs, PAHs, TPHs, TCE, and metals have been detected in sediments at the Portland Harbor Superfund Site. Petroleum, heavy oils, VOCs, PAHs, TPHs, TCE, and metals are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendants Mitsubishi Corporation and Mitsubishi International Corporation, as a successors-in-interest to Premier Edible Oils Corporation and



Palmco, Inc. Corporation, are liable persons under ORS 465.255(1).

194.

Defendant Niblick, Inc. is or was the owner or operator of a facility within the Portland Harbor Superfund Site. Metals and chlorinated solvents, among other chemicals, are present in soil, groundwater, surface water or stormwater at the facility owned or operated by defendant Niblick, Inc. Metals and chlorinated solvents are chemicals that have been detected in sediments at the Portland Harbor Superfund Site. Metals and chlorinated solvents are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant Niblick, Inc. is a liable person under ORS 465.255(1).

195.

Defendant Nichols Marine Ways, Inc. is the owner of a “facility” within the Portland Harbor Superfund Site. On information and belief, Nichols Marine Ways, Inc. released diesel fuel, gasoline, used lubricating oils, cleaning solvents, paints, thinners and sand blasting grit at the site. Heavy metals, PAHs, PCBs, TPHs, SVOCs and VOCs have been detected in sediments at the Portland Harbor Superfund Site. PAHs, heavy metals, PCBs, TPHs, SVOCs, and VOCs are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant Nichols Marine Ways, Inc. is a liable person under ORS 465.255(1).

196.

Defendant Northwest Copper Works released hazardous substances, oil and oil-containing materials and wastes to, in and from the Portland Harbor Superfund Site facility associated with their ship repair related manufacturing business at the Portland Shipyard in the Portland Harbor Superfund Site Facility. Materials present in the Portland Harbor Superfund

Site facility include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons, dioxins/furans and pesticides and other materials containing oil and oily materials and wastes. Tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons, dioxins/furans, pesticides, oil and oily wastes, oil, oil-containing materials and oily wastes are "hazardous substances" as defined in ORS 465.200(16). Defendant Northwest Cooper Works is a liable person under ORS 465.255(1).

197.

Defendant Olympic Tug & Barge, Inc. caused, contributed to, or exacerbated releases of oil and used oil into a facility, the Willamette River. Oil and waste oil are "hazardous substances" as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). The Willamette River is a facility pursuant to ORS 465.255(1)(b). Defendant Olympic Tug & Barge, Inc. is a liable person under ORS 465.255(1).

198.

Defendant Peanut Butter Properties, LLC is the current owner or operator of a facility within the Portland Harbor Superfund Site. Metals, PCBs, petroleum hydrocarbons, and other hazardous substances have been detected in soil, groundwater, surface water, or stormwater at the facility owned or operated by Peanut Butter Properties, LLC. Metals, PCBs, petroleum hydrocarbons, and other hazardous substances have been detected in sediments at the Portland Harbor Superfund Site. On information and belief, metals, PCBs, petroleum hydrocarbons, and other hazardous substances were released during the time Peanut Butter Properties, LLC was the owner or operator of the facility. Metals, PCBs, and petroleum hydrocarbons are "hazardous substances" as that term is defined, used, and understood under ORS 465.200(16), and ORS 465.255(1). Defendant Peanut Butter Properties, LLC is a liable person under ORS 465.255(1).

199.

Defendant Rainier Petroleum Corporation caused, contributed to, or exacerbated releases of petroleum into a facility, the Willamette River. Petroleum is a “hazardous substance” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). The Willamette River is a facility pursuant to ORS 465.255(1)(b). Defendant Rainier Petroleum Corporation is a liable person under ORS 465.255(1).

200.

Defendant Red-Samm Mining Company, Inc., doing business as Lakeside Industries, is the owner or operator of a facility within the Portland Harbor Superfund Site. Metals and chlorinated solvents, among other chemicals, are present in soil, groundwater, surface water or stormwater at the facility owned or operated by defendant Red-Samm Mining Company, Inc. Metals and chlorinated solvents are chemicals that have been detected in sediments at the Portland Harbor Superfund Site. Metals and chlorinated solvents are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant Red-Samm Mining Company, Inc. is a liable person under ORS 465.255(1).

201.

Defendant Richmond Tankers owned or operated one or more vessels within the Portland Harbor Superfund Site. Certain “hazardous substances,” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1), including heavy metals, hydrocarbons, oils, PAHs and PCBs, among other hazardous chemicals, are present in surface water and sediments within the Portland Harbor Superfund Site and at the docking facility where the vessel(s) were moored. On information and belief, the contamination, in part, originated from the operations of Defendant Richmond Tankers' vessel(s) within the Superfund Site. Defendant

Richmond Tankers was the owner or operator of the vessel(s) within the Portland Harbor Superfund Site at the time of releases of hazardous substances, including PAHs, hydrocarbons, oils, and PCBs to sediments at the Portland Harbor Superfund Site and is a liable person under ORS 465.255(1).

202.

Defendant RK Storage & Warehousing, Inc. is the current owner or operator of a facility within the Portland Harbor Superfund Site. Formaldehyde, phenolics, petroleum, PAHs, oil, and metals, among other chemicals, have been detected in soil, groundwater, surface water or stormwater at the facility owned or operated by defendant RK Storage & Warehousing, Inc. Formaldehyde, phenolics, petroleum, PAHs, oil, and metals have been detected in sediments at the Portland Harbor Superfund Site. Formaldehyde, phenolics, petroleum, PAHs, oil, and metals are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant RK Storage & Warehousing, Inc. is a liable person under ORS 465.255(1).

203.

Defendant Rusco Inc. is the owner or operator of a facility within the Portland Harbor Superfund Site, doing business as Dura Industries. Metals and chlorinated solvents, among other chemicals, are present in soil, groundwater, surface water or stormwater at the facility owned or operated by defendant Rusco Inc. Metals and chlorinated solvents are chemicals that have been detected in sediments at the Portland Harbor Superfund Site. Metals and chlorinated solvents are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant Rusco Inc. is a liable person under ORS 465.255(1).

204.

On information and belief, Defendants CSA Acquisition Corp and CSX/Sea-Land, Inc. owned or operated vessels in the Portland Harbor Superfund Site facility. Based on information and belief, Defendants CSA Acquisition Corp and CSX/Sea-Land, Inc. arranged for disposal of hazardous substances by arranging for vessel repair services at dry dock and ship yard facilities in the Portland Harbor Superfund Site facility. Materials disposed include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes and such hazardous substances are present in sediments in the Portland Harbor Superfund Site facility. Tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes containing hazardous substances are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16). Defendants CSA Acquisition Corp and CSX/Sea-Land, Inc. are liable persons under ORS 465.255(1).

205.

Defendant Stenno Carbon Company is the owner of a “facility” within the Portland Harbor Superfund Site. On information and belief, Stenno Carbon Company released carbon black, petroleum hydrocarbons, hydrated aluminum silicate, and heavy metals at the site. Carbon black, petroleum hydrocarbons, hydrated aluminum silicate, and heavy metals are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant Stenno Carbon Company is a liable person under ORS 465.255(1).

206.

Defendant Sound Freight Lines, Inc. caused, contributed to, or exacerbated releases of diesel fuel into a facility, the Willamette River. Diesel fuel is a “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). The

Willamette River is a facility pursuant to ORS 465.255(1)(b). Defendant Sound Freight Lines, Inc. is a liable person under ORS 465.255(1).

207.

Defendant Stenno Carbon Company is the owner of a “facility” within the Portland Harbor Superfund Site. On information and belief, Stenno Carbon Company released carbon black, petroleum hydrocarbons, hydrated aluminum silicate, and heavy metals at the site. Carbon black, petroleum hydrocarbons, hydrated aluminum silicate, and heavy metals are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant Stenno Carbon Company is a liable person under ORS 465.255(1).

208.

Defendant Summit Properties, Inc. is the current owner or operator of one or more facilities within the Portland Harbor Superfund Site. Methylene chloride, metals, oil, and grease, among other chemicals, have been detected in soil, groundwater, surface water or stormwater at the facilities owned or operated by Summit Properties, Inc. On information and belief, a release of paint coating occurred at the facility. Methylene chloride, metals, oil, and grease have been detected in sediments at the Portland Harbor Superfund Site. On information and belief, a release of paint coating occurred at the facility. Methylene chloride, metals, oil, and grease are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant Summit Properties, Inc. is a liable person under ORS 465.255(1).

209.

On information and belief, Defendant Taiwan Navigation Company, Ltd was the owner or operator of a vessel named the Tai Chung. On December 28, 1991, the Tai Chung was docked near River Mile 10 of the Willamette River. During a refueling operation, an estimated



8,000 to 11,000 gallons of Bunker C fuel were released to the Willamette River. The fuel created a sheen on the water. Petroleum hydrocarbons are “hazardous substances” at that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant Taiwan Navigation Company, Ltd is a liable person under ORS 465.255(1).

210.

Defendant Tidewater Barge Lines, Inc. owned or operated vessels in the Portland Harbor Superfund Site facility, including M/V Leira, Tank Barge TW 704, and Defiance. Tidewater Barge Lines, Inc. had releases of petroleum products from vessels into the Portland Harbor Superfund Site facility. Based on information and belief, Tidewater Barge Lines, Inc. and its predecessors arranged for disposal of hazardous substances including petroleum products by arranging for vessel repair services at dry dock and ship yard facilities in the Portland Harbor Superfund Site facility. Materials disposed include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons, petroleum products and oily wastes and such hazardous substances are present in sediments in the Portland Harbor Superfund Site facility. Tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons, petroleum products and oily wastes are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16). Defendant Tidewater Barge Lines, Inc. is a liable person under ORS 465.255(1).

211.

Defendant Trans Industries, LLC is the owner of a “facility” within the Portland Harbor Superfund Site. On information and belief, Trans Industries, LLC released heavy metals, zinc, oil & grease, ethylene glycol, petroleum mid-distillates, base lubricating oils, heavy metals, pesticides, TPH, and petroleum hydrocarbons at the site. Zinc, oil & grease, ethylene glycol, petroleum mid-distillates, base lubricating oils, heavy metals, pesticides, TPH and petroleum

hydrocarbons are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16), and ORS 465.255(1). Defendant Trans Industries, LLC is a liable person under ORS 465.255(1).

212.

[This paragraph is intentionally left blank.]

213.

Broadway Holding Company is the former owner a facility within the Portland Harbor Superfund Site. Broadway Holding Company became the owner of the facility after the time of acts or omissions that resulted in the release of hazardous substances, including petroleum, heavy oils, VOCs, PAHs, TPHs, TCE, and metals, among other chemicals, at the facility, and Broadway Holding Company knew or reasonably should have known of the release when it first became the owner. Petroleum, heavy oils, VOCs, PAHs, TPHs, TCE, and metals have been detected in sediments at the Portland Harbor Superfund Site. Petroleum, heavy oils, VOCs, PAHs, TPHs, TCE, and metals are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant URS Corporation, as successor-in-interest to Broadway Holding Company, is a liable person under ORS 465.255(1).

214.

Defendant Michael Wakefield caused, contributed to, or exacerbated a release of petroleum into a facility, the Willamette River. Petroleum is a “hazardous substance” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). The Willamette River is a facility pursuant to ORS 465.255(1)(b). Defendant Michael Wakefield is a liable person under ORS 465.255(1).

215.

Based on information and belief, Defendant Waterman Steamship Corp. owned or operated vessels in the Portland Harbor Superfund Site facility. Based on information and belief, Defendant Waterman Steamship Corp. arranged for disposal of hazardous substances by arranging for vessel repair services at dry dock and ship yard facilities in the Portland Harbor Superfund Site facility. Materials disposed include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes and such hazardous substances are present in sediments in the Portland Harbor Superfund Site facility. Defendant Waterman Steamship Corp., on information and belief, arranged for the disposal of oily wastes and polycyclic aromatic hydrocarbon chemicals at a common oil sump disposal facility that was located within the Portland Harbor Superfund Site facility. Tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons and oily wastes, polycyclic aromatic hydrocarbon chemicals and petroleum products are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16). Defendant Waterman Steamship Corp. is a liable person under ORS 465.255(1).

216.

Defendant Western Wire Works, Inc. is the owner or operator of a facility within the Portland Harbor Superfund Site. Metals, PAHs and chlorinated solvents, among other chemicals, are present in soil, groundwater, surface water or stormwater at the facility owned or operated by defendant Western Wire Works, Inc. Metals, PAHs and chlorinated solvents are chemicals that have been detected in sediments at the Portland Harbor Superfund Site. Metals, PAHs and chlorinated solvents are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant Western Wire Works, Inc.

is a liable person under ORS 465.255(1).

217.

Defendant Wilson Oil, Inc. caused, contributed to, or exacerbated releases of gasoline into the Willamette River. Gasoline is a “hazardous substance” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). The Willamette River is a facility pursuant to ORS 465.255(1)(b). Defendant Wilson Oil, Inc. is a liable person under ORS 465.255(1).

218.

Defendant Jiahong Zang is the owner of a facility within the Portland Harbor Superfund Site. Metals, PCBs, and chlorinated solvents, among other chemicals, are present in soil, groundwater, surface water or stormwater at the facility owned by defendant Jiahong Zang. Metals, PCBs, and chlorinated solvents are chemicals that have been detected in sediments at the Portland Harbor Superfund Site, including at locations adjacent to the facility owned by Jiahong Zang. Metals, PCBs, and chlorinated solvents are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16) and ORS 465.255(1). Defendant Jiahong Zang is a liable person under ORS 465.255(1).

219.

Defendants Zidell Entities released hazardous substances, oil and oil-containing materials and wastes to, in and from the Portland Harbor Superfund Site facility associated with ship scrapping, scrap handling, ship building, ship mooring and other ship handling activities, including but not limited to spills and releases documented in the findings of fact and conclusions of law in the litigation styled ZRZ Realty Company et al. v. Beneficial Fire and Casualty Insurance Company, et al., case No. 9708-06226, Multnomah County Circuit Court.

One or more of the Zidell Entities allowed oil and other hazardous substances to be released from the ship the Princeton in 1973 in the Portland Harbor Superfund Site facility. On information and belief, one or more of the Zidell Entities caused, contributed to or exacerbated releases of hazardous substances by contracting for ship repair activities and ship moorage at and in the vicinity of the former Portland Shipyard located within the Portland Harbor Superfund Site. Additionally, one or more of the Zidell Entities caused, contributed to or exacerbated releases of oil, oily wastes and related polycyclic aromatic hydrocarbon chemicals at a common oil sump located within the Portland Harbor Superfund Site. Materials released in the Portland Harbor Superfund Site facility include, but are not limited to, tributyltin, PCBs, metals, polycyclic aromatic hydrocarbons, dioxins/furans and pesticides, and petroleum, including oil and oily materials and wastes. Tributyltin, PCBs, metals, and polycyclic aromatic hydrocarbons, dioxins/furans and pesticides and petroleum are “hazardous substances” as that term is defined, used and understood under ORS 465.200(16). The Zidell Entities are liable persons under ORS 465.255(1).

220.

Plaintiffs have incurred “remedial action costs,” as that term is defined, used and understood in ORS 465.200(24) and ORS 465.255(1), attributable to or associated with the release or threatened release of hazardous substances to, at and from the Portland Harbor Superfund Site.

221.

Plaintiffs have paid more than their equitable shares of remedial action costs to complete the Portland Harbor RI/FS. Defendants have paid less than their equitable shares of remedial action costs to complete the Portland Harbor RI/FS.

222.

Plaintiffs are entitled to contribution from defendants under ORS 465.325(6)(a) for remedial action costs that plaintiffs have incurred or will incur and to an equitable allocation of remedial action costs as between plaintiffs and defendants in accordance with ORS 465.257.

#### SIXTH CLAIM FOR RELIEF

(Declaratory Judgment: Oregon Superfund Contribution)

223.

Plaintiffs reallege and incorporate by reference the allegations of paragraphs 1 through 222.

224.

A present and justiciable controversy has arisen between plaintiffs and defendants as to liability for past and future remedial action costs which are attributable to or associated with a release or threatened release of hazardous substances to, at or from the Portland Harbor Superfund Site.

225.

Pursuant to 28 U.S.C. §§ 2201 and 2202 and ORS 465.325(6)(a) and ORS 28.020, plaintiffs seek and are entitled to a declaratory judgment that defendants and each of them are liable parties under ORS 465.255(1) with respect to releases and threatened releases of hazardous substances at the Site, and that plaintiffs are owed contribution from defendants for remedial action costs to be incurred by plaintiffs with respect to such releases and threatened releases, and to an equitable allocation of past and future remedial action costs as between plaintiffs and defendants.

#### SEVENTH CLAIM FOR RELIEF

(Oregon Superfund Contribution: ORS 465.325(6)(c)(B))



226.

Plaintiffs reallege and incorporate by reference the allegations of paragraphs 1 through 225.

227.

The DEQ Consent Judgment is a judicially-approved settlement through which plaintiffs have resolved their liability to the State of Oregon for the Portland Harbor RI/FS.

228.

Pursuant to ORS 465.325(6)(c)(B), plaintiffs are entitled to contribution from defendants and to an equitable allocation as between plaintiffs and defendants of past and future remedial action costs associated with the release or threatened release of hazardous substances to, at or from the Portland Harbor Superfund Site.

#### EIGHTH CLAIM FOR RELIEF

(Declaratory Judgment: Oregon Superfund Contribution)

229.

Plaintiffs reallege and incorporate by reference the allegations of paragraphs 1 through 228.

230.

A present and justiciable controversy has arisen between plaintiffs and defendants as to liability for past and future remedial action costs which are attributable to or associated with a release or threatened release of hazardous substances to, at or from the Portland Harbor Superfund Site.

231.

Pursuant to 28 U.S.C. §§ 2201 and 2202 and ORS 465.325(6)(c)(B) and ORS 28.020,

plaintiffs seek and are entitled to a declaratory judgment that defendants and each of them are liable parties under ORS 465.255(1) with respect to releases and threatened releases of hazardous substances at the Site, and that plaintiffs are owed contribution from defendants for remedial action costs to be incurred by plaintiffs with respect to such releases and threatened releases, and to an equitable allocation of past and future remedial action costs as between plaintiffs and defendants.

#### NINTH CLAIM FOR RELIEF

(Oregon Oil Spill Act: ORS 468B.300 et seq.)

232.

Plaintiffs reallege and incorporate by reference the allegations of paragraphs 1 through 231.

233.

The Willamette River at Portland, Oregon is a water of the State of Oregon.

234.

Defendants Zidell Entities, American Seafoods Company LLC, and American Seafoods, Inc. owned or had control over oil that entered the Willamette River within the Portland Harbor Superfund Site.

235.

Pursuant to ORS 468B.310, defendants Zidell Entities, American Seafoods Company LLC and American Seafoods, Inc. are strictly liable, without regard to fault, for all past and future damages suffered by plaintiffs caused by the entry of oil or oils from defendants Zidell Entities', American Seafoods Company LLC and American Seafoods, Inc.'s ships, facilities or installations into waters of the State at the Portland Harbor Superfund Site, including but not limited to costs to investigate and clean up oil spilled or released by defendants Zidell Entities,

American Seafoods Company LLC and American Seafoods, Inc., and to plaintiffs' attorney fees.

WHEREFORE, plaintiffs seek judgment as follows:

1. On plaintiffs' First Claim for Relief, judgment in favor of plaintiffs and against defendants and for contribution from defendants under 42 U.S.C. § 9613(f)(3)(B) for response costs that plaintiffs have incurred or will incur;
2. On plaintiffs' Second Claim for Relief, declaration that defendants are liable for an equitable allocation of future response costs;
3. On plaintiffs' Third Claim for Relief, judgment in favor of plaintiffs and against defendants and for cost recovery from defendants under 42 U.S.C. §9607 for response costs that plaintiffs have incurred or will incur.
4. On plaintiffs' Fourth Claim for Relief, declaration that defendants are liable for an equitable allocation of future response costs;
5. On plaintiffs' Fifth Claim for Relief, judgment in favor of plaintiffs and against defendants and for contribution from defendants under ORS 465.325(6)(a) for remedial action costs that plaintiffs have incurred or will incur;
6. On plaintiffs' Sixth Claim for Relief, declaration that defendants are liable for an equitable allocation of future remedial action costs;
7. On plaintiffs' Seventh Claim for Relief, judgment in favor of plaintiffs and against defendants and for contribution from defendants under ORS 465.325(6)(c)(B) for remedial action costs that plaintiffs have incurred or will incur;
8. On plaintiffs' Eighth Claim for Relief, declaration that defendants are liable for an equitable allocation of future remedial action costs;
9. On plaintiffs' Ninth Claim for Relief, judgment in favor of plaintiffs and against defendants Zidell Entities, American Seafoods Company LLC and American Seafoods, Inc and for damages and attorney fees in an amount to be determined at trial.

10. For plaintiffs' costs and disbursements incurred herein; and
11. For such other relief as this Court deems just and equitable.

Dated this 23rd day of April, 2009.

Respectfully submitted,

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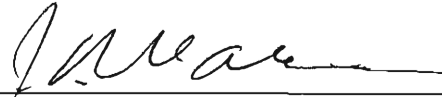
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DECLARATORY JUDGMENT)

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